1

2

3

4

5

6

7

8

10

11

12

13

14

15

16

17

21 22

20

24

1-250.

23

25 26

Defendants.

CORPORATION; COMCAST OF FRESNO, INC.;

COMCAST OF MARIN I, INC.; COMCAST OF MARIN II,

INC.; COMCAST OF NORTHERN CALIFORNIA I, INC.; COMCAST OF NORTHERN CALIFORNIA II. INC.:

INC.; COMCAST OF SIERRA VALLEYS, INC.; and DOES

COMCAST OF SACRAMENTO I, LLC; COMCAST OF SACRAMENTO II, LLC; COMCAST OF SAN LEANDRO,

27 28

DRINKER BIDDLE & REATH LLP 50 Fremont Street, 20th Floor San Francisco, CA 94105

TO THE COURT, PLAINTIFFS, AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Defendants COMCAST OF ALAMEDA, INC.; COMCAST OF CALIFORNIA II, INC.; COMCAST OF CALIFORNIA III, INC.; COMCAST OF CALIFORNIA V, INC.; COMCAST OF CALIFORNIA V, INC.; COMCAST OF CALIFORNIA X, INC.; COMCAST OF CALIFORNIA X, INC.; COMCAST OF CALIFORNIA XIII, INC.; COMCAST CORPORATION; COMCAST OF FRESNO, INC.; COMCAST OF MARIN I, INC.; COMCAST OF MARIN II, INC.; COMCAST OF NORTHERN CALIFORNIA I, INC.; COMCAST OF NORTHERN CALIFORNIA II, INC.; COMCAST OF SACRAMENTO I, LLC; COMCAST OF SACRAMENTO II, LLC; COMCAST OF SIERRA VALLEYS, INC. removed the above-entitled action to the United States District Court for the Northern District of California on December 14, 2007. A true and correct copy of the Notice of Removal is attached to this Notice as Exhibit A.

Dated: December 14, 2007

DRINKER BIDDLE & REATH LLP

MICHAEL J. STORTZ

Attorneys for Defendants COMCAST OF ALAMEDA, INC.; COMCAST OF CALIFORNIA II, INC. COMCAST OF CALIFORNIA III, INC. COMCAST OF CALIFORNIA IX, INC.; COMCAST OF CALIFORNIA V, INC.: COMCAST OF CALIFORNIA VI, INC. COMCAST OF CALIFORNIA X, INC COMCAST OF CALIFORNIA XIII, INC COMCAST CORPORATION; COMCAST OF FRESNO, INC.; COMCAST OF MARIN I, INC.; COMCAST OF MARIN II, INC.; COMCAST OF NORTHERN CALIFORNIA I, INC.; COMCAST OF NORTHERN CALIFORNIA II, INC.: COMCAST OF SACRAMENTO I, LLC COMCAST OF SACRAMENTO IÍ, LLĆ; COMCAST OF SAN LEANDRO, INC.; COMCAST OF SIERRA VALLEYS, INC.

27

26

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

28

DRINKER BIDDLE & REATH LLP 50 Fremont Street, 20th Floor San Francisco, CA 94105

Uf Counsel

Seamus C. Duffy
Michael W. McTigue Jr.
Michael P. Daly
DRINKER BIDDLE & REATH LLP
One Logan Square
18th & Cherry Streets
Philadelphia, Pennsylvania 19103-6996
Telephone: (215) 988-2700
Facsimile: (215) 988-2757

DRINKER BIDDLE & REATH LLP 50 Fremont Street, 20th Floor San Francisco, CA 94105

NOTICE OF REMOVAL TO FEDERAL COURT

EXHIBIT A

2

3

4

5

6

7

8

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

Defendants.

19

18

21

20

22

23

24 25

26

27

28

KER BIDDLE & REATH LLP 50 Fremont Street, 20th Floor an Francisco, CA 94105

Defendants Comcast of Alameda, Inc., Comcast of California II, Inc., Comcast of California III, Inc., Comcast of California IX, Inc., Comcast of California V, Inc., Comcast of California VI, Inc., Comcast of California X, Inc., Comcast of California XIII, Inc., Comcast Corporation, Comcast of Fresno, Inc., Comcast of Marin I, Inc., Comcast of Marin II, Inc., Comcast of Northern California I, Inc., Comcast of Northern California II, Inc., Comcast of Sacramento I, LLC, Comcast of Sacramento II, LLC, Comcast of San Leandro, Inc., and Comcast of Sierra Valleys, Inc. (collectively, "Comcast"), by and through undersigned counsel and pursuant to 28 U.S.C. §§ 1441, 1442, 1446 and 1453, hereby give notice of the removal of the above-captioned action from the Superior Court of California, Alameda County, to the United States District Court for the Northern District of California. In support thereof, Comcast avers as follows.

Introductory Statement

- 1. Plaintiff Jon Hart ("Plaintiff") alleges that Comcast has violated state and federal law by using reasonable network management tools that are designed to prevent a small minority of subscribers from degrading the quality of the broadband Internet service delivered to the great majority of subscribers. The allegations of the complaint track recent filings at the Federal Communications Commission ("FCC" or "Commission") seeking agency action to restrict or to dictate the use of particular Internet network management tools. See In re Free Press, et al., Petition for Declaratory Ruling, WC Docket No. 07-52 (Nov. 1, 2007); In re Vuze, Inc., Pet. to Establish Rules Governing Network Management Practices by Broadband Network Operators, Broadband Indus. Practices, Petition for Rulemaking, WC Docket No. 07-52 (Nov. 14, 2007).
- 2. In 2005, the Commission, albeit without the benefit of a notice-and-comment rulemaking proceeding, endorsed reasonable network management. See In re Appropriate Framework for Broadband Access to the Internet over Wireline Facilities, CC Docket No. 02-33, Internet Policy Statement, 20 F.C.C.R. 14986, at 2 n.15 (Sept. 23, 2005) ("The principles we adopt are subject to reasonable network management."). The Commission has sought public comment on the question of whether it should adopt rules that might implement, in a formal and enforceable manner, the various principles set forth in its Internet Policy Statement. See In re

NKER RIDIN E & REATH U.S

DRINKER BIDDLE & REATH LLP 50 Fremont Street, 20th Floor San Francisco, CA 94105

Appropriate Framework for Broadound Access to the Internet over Wireline Facilities;
Universal Serv. Obligations of Broadband Providers; Review of Regulatory Requirements for
Incumbent LEC Broadband Telecomms. Servs.; Computer III Further Remand Proceedings: Bell
Operating Co. Provision of Enhanced Servs.; 1998 Biennial Regulatory Review-Review of
Computer III & ONA Safeguards & Requirements; Conditional Petition of the Verizon Tel. Cos.
For Forbearance Under 47 U.S.C. § 160(c) with Regard to Broadband Servs. Provided via Fiber
to the Premises; Petition of the Verizon Tel. Cos. for Declaratory Ruling or, Alternatively, for
Interim Waiver with Regard to Broadband Servs. Provided via Fiber to the Premises; Consumer
Protection in the Broadband Era, Report and Order and NPRM, CC Docket Nos. 02-33;01-
337;95-20;98-10; WC Docket Nos. 04-242;05-271, 20 F.C.C.R. 14853, at 14929-35, ¶¶ 146-59
(Aug. 5, 2005); In re Inquiry Concerning High-Speed Access to the Internet Over Cable and
Other Facilities; Internet Over Cable Declaratory Ruling; Appropriate Regulatory Treatment for
Broadband Access to the Internet Over Cable Facilities, Declaratory Ruling and Notice of
Proposed Rulemaking, GN Docket No. 00-185; CS Docket No. 02-52, 17 F.C.C.R. 4798, 4839-
54, ¶¶ 72-111 (March 14, 2002); see also In re Broadband Indus. Practices, Notice of Inquiry,
22 F.C.C.R. 7894 (Mar. 22, 2007).

3. This Court has diversity jurisdiction over this putative class action because it falls within the scope of the Class Action Fairness Act of 2005 (CAFA), Pub. L. No. 109-2, 119 Stat. 4 (2005), and alternatively this Court has federal question jurisdiction over this action because it asserts claims that arise under federal law and raise substantial questions of federal law. Accordingly, Comcast hereby removes this action to this Court.

JURISDICTIONAL STATEMENT - DIVERSITY JURISDICTION

4. CAFA grants federal courts jurisdiction over qualifying class actions in which there is minimal diversity, the aggregate amount in controversy exceeds \$5,000,000, and there are 100 or more class members. See 28 U.S.C. §§ 1332(d)(2)(A), 1332(d)(5)(B), 1332(d)(6). It applies to any class action that is commenced on or after its effective date, i.e., February 18, 2005. See 28 U.S.C. § 1332 note. Plaintiff commenced this action on or about November 13, 2007 by filing a putative class action complaint in the Superior Court of California, Alameda

8

12

13

11

14 15

16 17

18

19

20

21 22

23

24

25

26

27

28

RINKER BIODLE & REATH LLP 50 Fremont Street, 20th Floo an Francisco, CA 94105

County, under the caption John Hart v. Comcast of Alameda, Inc., et al., No. 07355993. Accordingly, this action was commenced after CAFA's effective date.

- 5. Plaintiff brings this putative interstate class action on behalf of himself, a California citizen, Pl.'s Compl. ¶ 5 ("Plaintiff John Hart is a citizen of the State of California."), as well as a putative class that includes "all persons in California who purchased the Service between November 13, 2003 and the present and used or attempted to use peer-to-peer or online file sharing applications and/or lotus notes." Id. ¶ 30. That putative class consists of citizens of California such as Plaintiff, as well as citizens of other states who are temporarily located "in," but are not domiciled in, California. See id.; see also Newman-Green, Inc. v. Alfonzo-Larrain, 490 U.S. 826, 828 (1989). Defendants are comprised of corporations domiciled inside and outside of California. Accordingly, there is minimal diversity. See 28 U.S.C. § 1332(d)(2)(A).
- 6. Plaintiff alleges that the putative class consists of "thousands of persons" and is so numerous that the joinder of individual members of the putative class is impractical. Plaintiff purports to represent not only current and former subscribers as of the filing of the Complaint, but also customers up to and including the present. See Pl.'s Compl. ¶¶ 30-31.
- 7. To maintain the privacy of its subscribers, Comcast does not track which individual subscribers use or have used peer-to-peer or online file sharing applications. However, independent industry observers suggest that approximately twenty percent (20%) of broadband Internet subscribers have used peer-to-peer or online file sharing applications. See Martin & Westall, Assessing the Impact of BitTorrent on DOCSIS Networks, available at http://people.clemson.edu/~jmarty/papers/bittorrentBroadnets.pdf. Based on the number of Comcast's high-speed Internet subscribers with California billing addresses as of December 2007 (which is confidential and non-public) and the approximate percentage of those subscribers who use or have used peer-to-peer or online file sharing applications on a regular basis (which is confidential and non-public), at least 50,000 of Comcast's high-speed Internet subscribers with billing addresses in California fall within the definition of the putative class. That number would increase substantially if it included subscribers who have used peer-to-peer or online file sharing applications but do not do so on a regular basis, or if it included subscribers who initiate service

8

11

26 27

ORINKER BIDDLE & REATH LLP 50 Fremont Street, 20th Floo an Francisco, CA 94105

in the future, and if it included subscribers who terminated their service before December 2007. To the extent Plaintiff's class definition seeks to include businesses despite the use of the word "persons," the putative class would be larger still. Accordingly, there are more than 100 members of the putative class. See 28 U.S.C. § 1332(d)(5)(B).

- 8. Plaintiff seeks relief in the form of restitution and disgorgement, specifically an award of monetary damages "calculated as purchase price of the Products here at issue, plus any out-of-pocket costs associated with the replacement of such Products." Pl.'s Compl., Prayer for Relief ¶ H; see also id. ¶¶ F, G. Throughout the first three fiscal quarters of 2007, Comcast's average monthly revenue per high-speed Internet subscriber was approximately \$43.00. See Press Release, Comcast Reports Third Quarter 2007 Results at 10 (Oct. 2007), available at http://media.corporate-ir.net/media_files/irol/11/118591/Earnings_3Q07/release_pdf.pdf. Using that figure, the value of the requested restitution for just the last three months would exceed \$5,000,000.
- 9. Plaintiff also seeks: (i) an award of statutory damages pursuant to California Civil Code § 1780(a)(1), see Pl.'s Compl., Prayer for Relief ¶ I; (ii) an award of "punitive and/or exemplary damages," Pl.'s Compl., Prayer for Relief ¶ I; and (iii) an award of "his reasonable attorneys' fees and costs of suit," Pl.'s Compl., Prayer for Relief ¶ J.
- Plaintiff also seeks relief in the form of an order directing Comcast "to notify each 10. and every member of the Class of the pendency of the claims in this action." Pl.'s Compl., Prayer for Relief ¶ E. Because Comcast does not track which individual subscribers use or have used peer-to-peer or online file sharing applications, Comcast would need to send a mailing to all of its California high-speed Internet subscribers to accomplish the notice requested by the Plaintiff. In light of the number of Comcast's high-speed Internet subscribers with California billing addresses as of December 2007 (which is confidential and non-public), the cost of postage alone would be substantial. Those costs would increase substantially if the cost of generating and coordinating the mailing of the notice were included as well.
- Plaintiff also seeks relief in the form of an order directing Comcast "to conduct a 11. corrective advertising and information campaign. . . . " Pl.'s Compl., Prayer for Relief ¶ C.

1

7

10

14

Because Comcast's high-speed Internet subscribers in California are located throughout California, Comcast would need to engage in a multi-faceted regional advertising campaign in order to comply with this request. The cost of that advertising campaign would be substantial.

- 12. Plaintiff also seeks broad injunctive relief that would affect the way Comcast provides and advertises its high-speed Internet service, specifically an order enjoining Comcast "from conducting their business through the . . . business acts or practices . . . described in this Complaint." Pl.'s Compl., Prayer for Relief ¶ B. Because of the nationwide nature of Comcast's high-speed Internet service and its advertisements, notices, and billing system, complying with the requested equitable relief would be substantial.
- Although Comcast denies it has any liability to Plaintiff or the putative class, and denies that any such class could be properly certified under Federal Rule of Civil Procedure 23, the aggregate value of the compensatory, statutory and exemplary damages sought by Plaintiff, as well as the cost to Comcast of complying with the equitable relief sought by Plaintiff, would exceed \$5,000,000.1
- Accordingly, the alleged aggregate amount in controversy exceeds \$5,000,000. See 28 U.S.C. § 1332(d)(6) ("In any class action, the claims of the individual class members shall be aggregated to determine whether the matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs.").
- 15. Because this action commenced after February 18, 2005, there is minimal diversity, more than 100 putative class members and an aggregate amount in controversy in excess of \$5,000,000, this Court has original subject matter jurisdiction over this putative class action. See 28 U.S.C. § 1332(d)(2)(A).
- 16. Because this action states a basis for original subject matter jurisdiction under 28 U.S.C. § 1332, it is removable pursuant to 28 U.S.C. § 1441(a).

By removing an action under CAFA, Comcast does not concede that it has any liability, let alone liability of greater than \$5,000,000, to the members of the putative class. See, e.g., Key v. DSW, Inc., No. 06-0459, 2006 WL 2794930, at *7 (S.D. Ohio Sep. 27, 2006).

DRINKER BIDDLE & REATH LLP 50 Fremont Street, 20th Floor San Francisco, CA 94105

JURISDICTIONAL STATEMENT – FEDERAL QUESTION JURISDICTION

- 17. Alternatively, this Court has original jurisdiction over this action because Plaintiff's claims arise under federal law.
- 18. Plaintiff alleges that the "questions of law" arising in this action include "whether Defendants' blockage or impediment of the Blocked Applications constitutes a violation of the CFAA," the federal Consumer Fraud and Abuse Act, 18 U.S.C. § 1030 et seq., and "whether Defendants' blockage or impediment of the Blocked Applications while permitting unfettered use of other applications constitutes a violation of Federal Communications Commission ("FCC") Policy Statement, FCC 05151." Pl.'s Compl. ¶¶ 32(h), (i). Elsewhere, Plaintiff alleges that Comcast's business practice "violates FCC Policy Statement, FCC 05-155," id. ¶ 49, and "violates the policies behind the CFAA and FCC Policy 05-151." Id. ¶ 96.
- 19. Count VI of Plaintiff's Complaint advances a claim under Section 17200 of California's Unfair Competition Law ("UCL"). See Pl.'s Compl. ¶ 84-89. The predicate "unlawful acts" identified by Plaintiff in Count VI of his Complaint are alleged violations of the CFAA and the FCC's Internet Policy Statement in other words, violations of federal law. Accordingly, that claim arises under federal law and can be removed to federal court. See, e.g., Grable & Sons Metal Prods., Inc. v. Darue Eng'g, 545 U.S. 308 (2005); Calif. ex rel. Lockyer v. Dynegy, Inc., 375 F.3d 831, 840 (9th Cir. 2004); D'Alessio v. NYSE, 258 F.3d 93 (9th Cir. 2001); Sparta Surgical Corp. v. NASD, 159 F.3d 1209 (9th Cir. 1998); Brennan v. Sw. Airlines Co., 134 F.3d 1405 (9th Cir. 1998); Nat'l Credit Reporting Ass'n v. Experian Info. Solutions, Inc., C04-01661 WHA, 2004 U.S. Dist. LEXIS 17303 (N.D. Cal. July 21, 2004); Lockyer v. Mirant Corp., 01-1973(HL), 2002 U.S. Dist. LEXIS 14733 (N.D. Cal. Aug. 6, 2002).
- 20. Even if Plaintiff had not invoked federal law as the basis of his claims, this action would still arise under federal law because it raises substantial questions of federal law.
- 21. Congress has declared that "the policy of the United States" is that the Internet, a channel of interstate commerce and communications, should be "unfettered" by state regulation. 47 U.S.C. § 230(b). By any measure, its decision to free the Internet from state regulation has been a resounding success. When the Internet first emerged, it was accessible to only a handful

6

12

RINKER BIDDLE & REATH LLP 50 Fremont Street, 20th Floo in Francisco, CA 94105

of people. It is now available and affordable to millions of customers, from all parts of the country and all walks of life, through conduits such as dial-up, broadband (cable, DSL and BPL), fixed wireless and even satellite. In short, it has become a ubiquitous part of every day life. See, e.g., U.S. Dept. of Commerce, A Nation Online: Entering The Broadband Age (Sept. 2004), available at http://www.ntia.doc.gov/reports/anol/NationOnlineBroadband04.pdf.

- 22. Plaintiff's Complaint is a direct assault on Congress's decision to free the Internet from state regulation because it asks a state court to enjoin Comcast from engaging in reasonable network management, which it is expressly permitted to do under federal law, see Policy Statement, 20 F.C.C.R. 14986, at 2 n.15 (Sep. 23, 2005) ("The principles we adopt are subject to reasonable network management."), and which it is required to do if it is to continue delivering a premium broadband experience to its subscribers.
- 23. Also central to those allegations is Plaintiff's belief that California - and by extension each of the fifty states - can and should establish its own unique and inevitably conflicting rules for what network management tools may or may not be used.
- 24. Plaintiff's claims are therefore a direct challenge to the federal government's decision to create a uniform deregulatory environment for the Internet by freeing Internet services from state regulation. As such, Plaintiff's claims are inherently federal in character, and this action is removable to federal court on three separate grounds: (a) the complete preemption doctrine; (b) the substantial federal question doctrine; and (c) the artful pleading doctrine.
- 25. This Court therefore has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1337, making this action removable pursuant to 28 U.S.C. §§ 1441(a). To the extent this Court determines that this action presents any state law claims, this Court has supplemental jurisdiction over such claims pursuant to 28 U.S.C. § 1367.

PROCEDURAL STATEMENT

- Pursuant to 28 U.S.C. § 1446(a), true and correct copies of Plaintiff's Complaint, 26. Comcast's Answer and all other process, pleadings and orders that Plaintiff purportedly served on Comcast as of the date of this Notice are attached hereto as Exhibit A.
 - 27. Because Comcast received a copy of Plaintiff's Complaint on or after November

7

8 9

10

11 12 13

15

14

16 17

18

19

20

21

22

23

24

25

26

27

28

DRINKER BIDOLE & REATH LLP 50 Fremont Street, 20th Floor San Francisco, CA 94105

15, 2007 this Notice of Removal has been timely filed within thirty (30) days of service pursuant to 28 U.S.C. 1446(b). See Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc., 526 U.S. 344 (1999).

- 28. Pursuant to 28 U.S.C. § 1441(a), removal to the United States District Court for the Northern District of California is proper because that District embraces the Superior Court of California, Alameda County, where this action is currently pending. See 28 U.S.C. § 84(a).
- 29. Pursuant to 28 U.S.C. § 1446(d), Comcast will promptly file a copy of this Notice of Removal in the Superior Court of California, Alameda County, and give written notice of the removal of this action to counsel for Plaintiff.
- 30. By removing the action to this Court, Comcast does not waive any defenses. objections or motions available to it under state or federal law. Comcast expressly reserves the right to require that the claims of certain members of the putative class be decided through arbitration, and to move for judgment in favor of Comcast pursuant to Rules 12 and 56 of the Federal Rules of Civil Procedure.

/// /// ///

///

///

/// ///

///

///

///

///

///

///

///

1 WHEREFORE, pursuant to 28 U.S.C. §§ 1441, 1446 and 1453, Comcast respectfully removes to federal court the above-captioned civil action, which is currently pending in the 2 3 Superior Court of California, Alameda County. 4 Dated: December 14, 2007 DRINKER BIDDLE & REATH LLP 5 6 7 Attorneys for Defendants 8 COMCAST OF ALAMEDA, INC.: COMCAST OF CALIFORNÍA II, ÍNC. 9 COMCAST OF CALIFORNIA III, INC. COMCAST OF CALIFORNIA IX, INC.: 10 COMCAST OF CALIFORNIA V, INC. COMCAST OF CALIFORNIA VI, INC.; 11 COMCAST OF CALIFORNIA X, INC.: COMCAST OF CALIFORNIA XIII, INC. 12 COMCAST CORPORATION; COMCAST OF FRESNO, INC.; COMCAST OF MARIN 13 I, INC.; COMCAST OF MARIN II, INC.; COMCAST OF NORTHERN CALIFORNIA 14 I, INC.; COMCAST OF NORTHERN CALIFORNIA II, INC.; COMCAST OF 15 SACRAMENTO I, LLC; COMCAST OF SACRAMENTO II, LLC; COMCAST OF 16 SAN LEANDRO, INC.; COMCAST OF SIERRA VALLEYS, INC. 17 Of Counsel 18 Seamus C. Duffy 19 Michael W. McTigue Jr. Michael P. Daly 20 DRINKER BIDDLE & REATH LLP One Logan Square 21 18th & Cherry Streets Philadelphia, Pennsylvania 19103-6996 22 Telephone: (215) 988-2700 Facsimile: (215) 988-2757 23 24 25 26 27

DRINKER BIDDLE & REATH LLP 50 Fremont Street, 20th Floo San Francisco, CA 94105

28

EXHIBIT A

Page 16 of 110

CT CORPORATION

A WoltersKluwer Company

Service of Process **Transmittal**

11/16/2007

CT Log Number 512796752

TO:

Rosemarie Pierce

Comcast Corporation 1500 Market Street, 35th Floor Philadelphia, PA 19102-2148

RE:

Process Served in California

FOR:

Comcast of Marin II, Inc. (Domestic State: CA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTIONS

Jon Hart, On Behalf of Himself and All Others Similarly Situated and On Behalf of the General Public, Pitf. vs. Comcast of Alameda, Inc., et al. including Comcast of Marin

II, Inc., Inc., Dfts.

DOCUMENT(5) SERVED:

Summons, Complaint, Attachment(s), Amended Cover Sheet, Stipulation Form(s),

Affidavit(s)

COURT/AGENCY:

Alameda County, Superior Court, CA Case # RG07355993

NATURE OF ACTION:

Class Action - Defendants intentionally impede their customers' access to the Blocked Applications by transmitting unauthorized hidden messages to the computers of customers who utilize such applications - Seeking that the court preliminarily and permanently enjoin defendants from conducting their businesses through the unlawful, unfair or fraudulent business acts or practices, untrue and misleading and other violations of law described in the complaint.

advertising and other violations of law described in the complaint

ON WHOM PROCESS WAS SERVED:

C T Corporation System, Los Angeles, CA

DATE AND HOUR OF SERVICE:

By Process Server on 11/15/2007 at 14:45

APPEARANCE OR ANSWER DUE:

Within 30 days after service

ATTORNEY(S) / SENDER(S):

Mark N. Todzo

Lexington Law Group, LLP 1627 Irving Street San Francisco, CA 94122 415-759-4111

ACTION ITEMS

SOP Papers with Transmittal, via Fed Ex Standard Overnight , 798311068560

SIGNED: PER:

C T Corporation System

Nancy Flores 818 West Seventh Street

ADDRESS:

Los Angeles, CA 90017 213-337-4615

TELEPHONE:

Page 1 of 1 / VI

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

YOU ARE BEING SUED BY PLAINTIFF; (LO ESTÁ DEMANDANDO EL DEMANDANTE):

and On Behalf of the General Public

is strached.

WEAU

PTP Adopted for Wandstory Use Joshial Council of Calibria (MC-100 (Ray, Juneary 1, 2004)

			_				
	<u>-</u>		. 4	٠	. 1	٠. ٠	
You have \$6 CALINDAR copy served on the plaintiff.	DAYS wher title or					<u> </u>	
coult to hear your cost. Th	A little or nine	eraine in land	egai papara:	kis souved our for	to file a writing o	Madama e f	
information at the Californic riedwel you. If you connect loss the came by defeat, and	pay the filling fee.	uk (be com)	Cartiforwaii		the About bostom #	in Harriey; a	ritie
tone and then by deposit and	e your wages, mor	ey and grow	CO star be	indestra lotar is	AUT OF USE BOOK	OF PROCESSION	Oh E
loss the case by defeat, inn There are other legal reg- strongly referred service, it y program. You can locate the Courts Online Bolf-Holp Can	winds You att	d Nach to cold	All all orney a	Old agent Hone		He don't	dia.
DEBOTER YOU THE LANGE BY	CAN CHOLLES MICHOLD	a action they be	ia wak so of	lole for free leas	Strikes from	80 BL F4	, early
Courts Online Self-Holp Can	MA COMPTURE GROUP	dat Me Calif	crimi Legal S	evices into the	Www.leitletocal		Mar C
- Admirately Control	unis dinasias constituito	es Bolistello	DON OF BY CO.	Mictility your loc	S COUR OF COME	ter each	d'Ani
Tiene 30 DIAB DE CALES En este corte y hecer que se Secrito tiene que este en los tienes	DARIO stanovije di	èur le àmba		وشينت والمتارة		1	,
any state cours, decay, drie so	SHOW THE COLD	e el comunicip	ME LINE CEN	d traine Banenia		KR WING	rous
decrito tiene que estar en for puede ouer jurce en respinsi	man negal correct	० स्र दंशसम्बद्धाः सुरा	Proceeds at	COST IN THE COST	Esportis vos	Designation and	100
puede over pare su respons. Cellovnia (uvije.covršalo.ce	THE PROPERTY IN	or extra form	the four de fa	orte y más kilos	muchos en al Cam	maye un sun No dis Avente	
purce pagar in custo de acu	Martinesión, mista et a	WAY 40 10 DE	Marines de Si	an on the course	A der le sorte de	a je odučia z	THE C
mri de mariamente a dia esse a l'accesa		Anniel and the first first in	a compoue je	LONG ALT RESTRICTIONS	o dio siminativi mi	na nia da de	
A LAST CONTRACT IN LAST CO. DOGO	A DALCHE, #1 (1880-197	e luciama imi	Com to the Annel	and the second			les.
May derce requisitor forei	A Selection and	r inclansilari Ole ésse direie	But y & cort	in production	eli sipeliti, dinejo	J Dierrin et	ies. Ande
May deros reputation logal marricio de remisión a abega	o percer el testo po operate dole. Si de puede	n juciomateri tilo dun ilimis tilo dun ilimis	ente y le coré Fortabegad Spatio, se ob	le pedre quiter La republicação Elda esta carbos	eli sipeliti, dinero 4: Bl. ng conocs (p bieren an um abogadi	igo. Maria Maria
May derce requisitor togal earnisto de remisjón a aboga lagiste gratifica de las progri	o perior er meso priori of Es recomenda clos. Si do puede desi de servicios	e incloredal No designado Se designado	ario y le coré Fortabligad Spatio, se po la de lector	le pjediš gytie Sarpjedistanja Ulika give pješpia Lando administa	eli sipeliti, dinge d: Blaig conoce d con ipe esquisio mini comos de	y Merren sk im etrogesi I para piytei	145. 1474 1474
Hay dates requisites depail earlice de remisión y discien- lación instillas de las progi- culturas Legal Serifeis, fun terminocaritato es mula esca-	e percer er ceso pa que l'és recoments clote. Si ste parécie l l'est de servicion l ter feminaleculifors	r inclamatal (de que fámic regar a presto de argiven de de argiven de	ero y le coré Forzabogad Apatio, ev pla Leotio de Ap	le predificações Tempedeningos Blide acue mendo confe artemas uda die ign Como	eli sineliti, dingle d: Bing conces p can ips regulado delite propre da s de California	p blaren ek ist stropeit E para phon trop de kris	igo anda Lipid Idrap
Mar otros revalaçõe, pideo estricio de reculaçõe a abriga estricio de reculaçõe a abriga resides investitos de las progi- Calibrala Logal Sarrices, por (1979-colatino ca grafasina	e pener er mes pe lei. Es recomende idot. Si de puisce j ilmsi de senticine l ire femboloculilori lei espanol) e pan	r breiggsplech Ole (sze filmse seger a per eb egertes elle film le e (g) ; er dr Kristina en be	ans y A cori For abogai Sgatia, er pa facia bein Centin de Ay latters abou	la pedrá aprae Sempeletración Sempeletración Sempeletración Verte percenta Verte percenta Corta o el colego	eli sipeliti, dinere d. Ming conoce p con ipe regulario mello propos de s de California, lo de shogedos jo	p Diarrin at im stroppis E para pital trad de late milar	igo, I grafi I grafi I de so I de so
		of inclument type the type filming regar a per all regardens men ster the engineer of the the engineer of the	arte y le coré fron abogação Spatia, es por Spatia, forma Capita do Aya Spatia abogás	in the state of control of course of	ei spelit, dintre d: Sing concer con the requision actor propor in difficulties of Callings in orde shogs doe to	y Démenta ada an atropació L'pare piptal trans de licro	ies, rende la pie la su to èur
nombra y dirección de la o	ore est	r brekerestjerfe Ole dan filmig Deger is det ab Ogstan abb iku de eigheun de Esidens en be	arte y le corri gron abegrad contie, se par la de locres. Custo de Ay lattica abegra	le predié apper l'approduction de l'approduction de l'approduction de l'approduction de l'approduction de l'approduction de l'approduction de l'approduction	CONTAINED/		
i nombre y dirección de la o lameda County Superi	orte es): ior Court		arte y le corri grora abegrad contre, se per la ris lipera: Currin de Ay littletta abegra	le predié apper Lampele libraire Blife plus parties Ledy promiser del die lige Corre corre e el colleg	ett stjefte, din gy t. Ming concer of type opgresier stat Catteria. o de catteria. o de stoogsces to contabang.	0.80	
l nombre y dirección de la o Jamieda County Superi	orte es): ior Court		ante y le corri Front aborgani Spatio, se par Spatio de Ay- Castin de Ay- Castin de Ay-	le predice apper. Lampedie lame station and prediction and prediction and control and cont	CONTAINED/		
i numbre y cirección de le a Llameda County Superi ene C. Davidson Alam	orte es): lor Court seda County (?)	aritkania.	arte y le coré i reculado pad rigado, en pla- de ris lucias. Cuidro do Ay- delicio apo de	le siè dité apple. La républication de siè par contrain des se la contrain de se la Corta corta o el colleg	CONTAINED/		
S nombre y dirección de le c Alameda County Superi Icne C. Davidson Alam 225 Fallog Surest Oak	orte es): lor Court seds County Co	outhouse	14		Printer of Cast		
passar vour pure su responsi Celifornia furuje, conrinto ca pures progra la reposa de prese su responsar a dempo, pued fur dans regulation de proje- laridad de remaison de la grodi- laridad la remaison de la grodia celifornia Lagad Sarvicia, fur furure, coloridad cal grodialite la name and accreas of the Strombre y circocción de la a Alameda County Superi Cene C. Da vidson Alam (225 Fallon Street, Oaki na name, accirese, and bisp il nombre de circocción el se	orte est: lor Court seda County C. land, CA 9461	outhouse 12	*		Cross repeated	97	3 (
I nombre y cinecetto de la a Listuada County Superi ene C. Davidson Alam 225 Faillon Street, Oak a name, addinas, mot beine	orte est: lor Court seda County C. land, CA 9461	outhouse 12	*		Cross repeated	97	3 (
i nombre y cinecetto de la a Listuacia County Superi Lene C. Davidsen Alam 225 Fallon Street, Oak è name, actives, und telep nombre, le cineción y el m ark N. Todzo	orte es): lor Court seda County C. land, CA. 9461 hore number of p imero de misture	ourtheuse 2 aluthra attor del-abogad	ney, or plain	iii without an et iinto, o dai dan	crear subministration of the contract of the c	97	3 (
i nombre y cinecetto de la a Liameda County Superi Lene C. Davidsen Alam 225 Fallon Street, Oak è name, actiress, and triep nombre, le cinecetto y el m ark N. Todzo	orte es): lor Court seda County C. land, CA. 9461 hore number of p imero de misture	ourtheuse 2 aluthra attor del-abogad	ney, or plain	iii without an et iinto, o dai dan	crear subministration of the contract of the c	97	3 (
s nombre y cinección de la a Liameda County Superi lene C. Davidsen Alam 225 Fallon Street, Oak le name, activess, and triep l'nombre, le cinección y el m ark N. Todzo exington Law Group, L	orte es): lor Court seda County C. land, CA. 9461 hore number of p imero de misture	ourtheuse 2 aluthra attor del-abogad	ney, or plain	iii without an et iinto, o dai dan	crear subministration of the contract of the c	97	3 (
Si nombre y direction de le a Alameda County Superi Rene C. Davidson Alam	orte es): lor Court seda County C. land, CA. 9461 hore number of p imero de misture	ourthouse 12 12 shorts substantial del shopest	ney, or plain	iff without an int tinto, o dal don to, CA 9412	crear subministration of the contract of the c	97	3 (

Summons

(CITACION JUDICIAL

COMCAST OF ALAMEDA, INC.; Additional Parties Attachment Form

JON HART, On Behalf of Himself and All Others Similarly Situated,

SUM-too

FOR COURT USE ONLY LO PARA NEO DE LA CORTE

ENDISPACE ALALEDA DA DE CONTRE

NOV 1 3 2007

Leak of the Guperium court By Trapa Peny, Franchy

ho deponsed this court and have a is in proper legal form if you want the base confederms and more

para phianar paracles nad de acero an al alto sea de

CCP 416.70 (compensates)

(For proof of sentice of this summors, use Proof of Sentice of Sentinons from Pus-Civil) (Para proubs do entrega de esty ofisition use el immulajo Practiof Selvice of Summons, (POS-Civil):

NOTICE TO THE PERSON SERVED: You are served.

1. _____ se en individual defendant. ou the person sized under the fictions name of (specify):

4 Dy personal delivery on (date):

3. III on behave from Cam card & Marin I under: CCP-418:10 (corporation) CCP 418.80 (mirror)

OCP 416:20 (Gellinict corporation) CCP 418.40 (association of partnership) CCP 416.90 (subtenized parion) Other (specify):

SUMMONS

Becate (Adjunto)

SHORT TITLE:	Hart v. Como	ast of Alameda, Inc., et al.		CASE NUMBER:
This form may be If this attachment form	is in ander, it inself a	INSTRUCTIONS chiment to any summons if spa- ne following statement in the pl	oo daaa mat maasii 4	he listing of all parties on the summons. box on the summons: "Additional Parties
List additional part	les (Check only on	e box. Use a separate page for	each type of party):	
COMCAST OF (CORPORATION I, INC.; COMCA I, INC.; COMCA	CALIFORNIA X CALIFORNIA X COMCAST OF ST OF NORTH	C, INC.; COMCAST OF C OF FRESNO, INC.; COMC HERN CALIFORNIA I, IN LIMENTO I. I.I.C: COMCA	V, INC.; COMCA CALIFORNIA XI CAST OF MARIN NC.; COMCAST (AST OF SACRA)	, INC.; COMCAST OF

Page 2 of 2

A WoltersKluwer Company

Service of Process Transmittal

11/16/2007

CT Log Number 512796968

TO:

Rosemarie Pierce Comcast Corporation

1500 Market Street, 35th Floor Philadelphia, PA 19102-2148

RE:

Process Served in California

FOR:

Comcast of California XIII, Inc. (Domestic State: CA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:

Jon Hart, On Behalf of Himself and All Others Similarly Situated and On Behalf of the General Public, Pttf. vs. Comcast of Alameda, Inc., et al. including Comcast of California XIII, Inc., Dfts.

DOCUMENT(S) SERVED:

Summons, Complaint, Attachment(s), Amended Cover Sheet, Stipulation Form(s),

Affidavit(s)

COURT/AGENCY:

Alameda County, Superior Court, CA Case # RG07355993

NATURE OF ACTION:

Class Action - Defendants intentionally impede their customers' access to the Blocked Applications by transmitting unauthorized hidden messages to the computers of customers who utilize such applications - Seeking that the court preliminarily and permanently enjoin defendants from conducting their businesses through the unlawful, unfair or fraudulent business acts or practices, untrue and misleading advertising and other violations of law described in the complaint

ON WHOM PROCESS WAS SERVED:

C T Corporation System, Walnut Creek, CA

DATE AND HOUR OF SERVICE:

By Process Server on 11/15/2007 at 14:45

APPEARANCE OR ANSWER DUE:

Within 30 days after service

ATTORNEY(S) / SENDER(S):

Mark N. Todzo

Lexington Law Group, LLP 1627 Irving Street San Francisco, CA 94122 415-759-4111

ACTION ITEMS:

Telephone, Rosemanie Pierce , 215-640-7016 SOP Papers with Transmittal, via Fed Ex Standard Overnight , 798311068560

SIGNED: ADDRESS:

TELEPHONE-

C T Corporation System Nancy Flores 818 West Seventh Street

Los Angeles, CA 90017 213-337-4615

Page 1 of 1/VI

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate sction. Signatures on criffied mail receipts confirm receipt of package only, not contents. confirm receipt of package only, not contents.

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

COMCAST OF ALAMEDA, INC.; Additional Parties Attachment Form is attached.

YOU ARE BEING BUED BY FLAINTIFF; (LO ESTÁ DEMANDANDO EL DEMANDANTE): JON HART, On Behalf of Himself and All Others Similarly Situated, and On Behalf of the General Public

3UM-108

FOR COUNT CONTON

ENDSPALD

NOV 1 3 2007

PLERK OF THE SUPERIOR COURT By Trajes Peny, Frequity

You have 38 CALENDAR DAYS after this summents and legal japons are served on your to five a unition response at this count and have a court dear to place and will not prouch you. You without esponse must be in proper legal form if you want the court to hear your coop. There may be a court form find you can use for your response. You can find piece tour forms and draps intermed you. If you cannot per the filling five and finds for a ble uplear form. If you do not like you suppose on this country as the country are the country as the country are the country as the country as the country are the country as the country as the country are the country as the country and the country and the country are the country and any other and other and other legal requirements. You are your may there are other legal requirements. You are years any other as a country for a suppose of the country as the country as a country and the country as a country and any country as a country and any country and country and any country and country and any country and country be association.

Country Country bar association.

Tiene SP CIAS DE CALESMARIO despuis de que le infriguen este Citadón y jupotes legates para presentar una cara corte y hacer que se intrague tos pois el faminique este Citadón y jupotes legates para presentar una cara corte y hacer que se intrada legal correcto el desse que procesos su cara o una lientación legal correcto el desse que procesos su cara o una lientación en el producion. A puede una para su respuesta. Prodo corporator estas dominiarios de la corte y más información en el Centro de Ajunto de Celifornia fareja cominidade en el Centro de Ajunto de La contenta en el Centro de Ajunto de La contenta que la contenta por el prode para la cunto de procesión de la corte que la un formidado o en la corte que la quel por por el prode para la funça, poede para el como por inclamplanteno y la corte la prode quella, distribuidade de la corte que la prode aprimeira de signato. El proceso por inclamplanteno y la corte la prode antire el gialdo, distribuida de para de la corte que se prode antire el gialdo, distribuidade de la corte de la corte que comincia de contenta de contenta de la corte de corte de la corte de la corte de corte de corte de corte de la corte de la corte de corte de corte de la corte de la corte de la corte de la corte de corte de corte de corte de corte de la cort

the traute and acquais of the court for (El nombre y dirección de le corte es):

Also eda County Superior Court

Rene C. Davidson Alameda County Courthouse

1225 Fallon Street, Oakland, CA 94612

The name, address, and telephone number of plaintiff's etterney, or plaintiff without an attorney, la:

(El nombre, la disacción y el número de foldione del abagado del demandante, o del demandante que no tiene abagado, esti

Lexington Law Group, LLP, 1627 Irving Street, San Francisco, CA 94172 Pat S. Sweeten (Secretaria)

(Action to)

0735599

(For proof of seniore of this summons, use Proof of Service of Sciences (form POS-018).)
(Para prueba de entrega de este clarifor use el banquisto Proof al Service of Summons. (POS-010)):

NOTICE TO THE PERSON SERVED: Yes are served.

] ex the person sized under the fictilious name of tapacity):

3. Don bolies of special Com cast of California

under: IXI GCP 416.10 (corporation)
CCF 416.20 (definical corporation)

CCP 418:40 (accordation or partie ratio)

Other (Specify):

CCP 416.60 (mirror) OCP 418.70 (odczeryates)

CCP 416.50 (subjectived person)

A Dy personal delivery on (date):

Forp Advoted for Headardy Use Joshiel County of California Mari-100 (Riv., Jeanny I., 2004)

BEAL

SUMMONS

A Wolterskluwer Company

Service of Process Transmittal

11/16/2007

CT Log Number 512796978

TO:

Rosemarie Pierce Comcast Corporation 1500 Market Street, 35th Floor

Philadelphia, PA 19102-2148

RE:

Process Served in California

FOR:

Comcast Corporation (Domestic State: PA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:

Jon Hart, On Behalf of Himself and All Others Similarly Situated and On Behalf of the General Public, Pttf. vs. Comcast of Alameda, Inc., et al. including Comcast

Corporation, Dfts.

DOCUMENT(S) SERVED:

Summons, Complaint, Attachment(s), Amended Cover Sheet, Stipulation Form(s),

Affidavit(s)

COURT/AGENCY:

Alameda County, Superior Court, CA Case # RG07355993

NATURE OF ACTION:

Class Action - Defendants intentionally impede their customers' access to the Blocked Applications by transmitting unauthorized hidden messages to the computers of customers who utilize such applications - Seeking that the court preliminarily and permanently enjoin defendants from conducting their businesses through the unlawful, unfair or fraudulent business acts or practices, untrue and misleading advertising and other violations of law described in the complaint

ON WHOM PROCESS WAS SERVED:

C T Corporation System, Los Angeles, CA

DATE AND HOUR OF SERVICE:

By Process Server on 11/15/2007 at 14:45

APPEARANCE OR ANSWER DUE:

Within 30 days after service

ATTORNEY(S) / SENDER(S):

Mark N. Todzo

Lexington Law Group, LLP 1627 Irving Street San Francisco, CA 94122 415-759-4111

ACTION ITEMS:

Telephone, Rosemarie Pierce , 215-640-7016 SOP Papers with Transmittal, via Fed Ex Standard Overnight , 798311068560

SIGNED: PER: ADDRESS:

C T Corporation System

Nancy Flores 818 West Seventh Street Los Angeles, CA 90017 213-337-4615

TELEPHONE:

Page 1 of 1/VI

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any Information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of nativace only and contents. confirm receipt of package only, not contents.

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

COMCAST OF ALAMEDA, INC.; Additional Parties Attachment Form

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTA DEMANDANDO EL DEMANDANTE):
JON HART, On Behalf of Himself and All Others Similarly Situated, and On Behalf of the General Public

POR COUNT USE ONLY LO PARA MISO DE LA CO

ENDORGES

NOV 1 3 2007

PLEAK OF THE SUPERIOR COURT By Tonha Peny, Reputy .

You have 30 CALENDAR DAYS siter life commons and local justices a served on your title a service mapones at the court and have a copy content on the pixerial. A letter or phone cell will not protect you. Your widths respicious must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You must have court forms and map to make the California Courts directs of the pixerian protect of the court forms and map necessary you. If you cannot pay the filing the set the court circle or the watern form. If you do not the pixer mapones on this, you may have one by deleast, and your maps, money, and propeny may be believed from it without the foot mapones on this, you may have any extent signif requirements. You may team to tall an extense of this map, the foot map in all the pixerial than the pixerial grounds of the pixerial property of the court of the c

There 30 DiAS DE CALENDARIO the puris do que to aprincipa en en estación y popular local acordo plar es Trene 30 DiAS DE CALENDARIO the puris do que to aprincipa en en el modión y popular local acordo para presentar en esta corte y hacer que se empagra una copia el demandario, i tido cente o una firmació biplidad en la corte de entre de entre de producto de producto de desen que procesan se case en la corte. En pueblo que imperante en demanda en el corte y más información en el California (meirocoprimo es que responsable presental), en la biblicación de la corte y más información en el corte que la que producto de la corte que la de un formación de aporte de la producto de se condede o en la corte que la del un formación de aporte de la responsable en producto de servicio de se corte y más información de peso de la responsable producto de producto de la producto de servicio de la responsable de la r

The name and addiess of the court is: (El nombre y dirección de la corte es): Alameda County Superior Court

Rene C. Davidson Alameda County Courthouse

1225 Fallon Street, Oakland, CA 94612

The name, address, and telephone number of palentin atterney, or plaintin without an attempy, is:

(# number, is, discoion y et número de telefone del abegado sel demandante; o del demandante que ne llene abegado, est.

Mark N. Todzo

Lexington Law Group, LLP, 1627 Irving Street, San Francisco, Ca origo

DATE:	NOV.	13 20	07	Pol C Control	Clark, by			Perry	Deputy
Para prue	TT- BOALAN		Macos, up	Proof of Service of Som the of Tomptoto Proof of TO THE PERSON SERV	PROTICE (POINT)	OS-010)	s-arop:		(Adjunta)
DEA:	•		10 [se en Individual defendar se the person stied unde	1		icky:		
			3. E	on behalf of (specify):	encast	Cocci	٥٥١ لم		
			unden	CCP 416.10 (CD)	poration) With compani	om of	DCP.418.	À	nel.
ļ. 	<u>; `</u>		.k t	CCP 415.40 (ass cities (assects): y personal delivery on (d	AMOUNT OF SE	itrientip)	CCP 418.5	iO (wulfiorfice)	parion)

Ferro Advanted for Wandston Una Juntal Counts of Oxform

SUMMONS

A WoltersKluwer Company

Service of Process Transmittal

11/16/2007

CT Log Number 512796992

TQ;

Rosemarie Pierce Comcast Corporation 1500 Market Street, 35th Floor Philadelphia, PA 19102-2148

RE:

Process Served in California

FOR:

Comcast of California X, Inc. (Domestic State: CA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:

Jon Hart, On Behalf of Himself and Ali Others Similarly Situated and On Behalf of the General Public, Pltf. vs. Comcast of Alameda, Inc., et al. including Comcast of

California X, Inc., Dfts.

DOCUMENT(5) SERVED:

Summons, Complaint, Attachment(s), Amended Cover Sheet, Stipulation Form(s),

Affidavit(s)

COURT/AGENCY:

Alameda County, Superior Court, CA Case # RG07355993

NATURE OF ACTION:

Class Action - Defendants intentionally impede their customers' access to the Blocked Applications by transmitting unauthorized hidden messages to the computers of customers who utilize such applications - Seeking that the court preliminarily and permanently enjoin defendants from conducting their businesses through the unlawful, unfair or fraudulent business acts or practices, untrue and misleading advertising and other violations of law described in the complaint

ON WHOM PROCESS WAS SERVED:

C T Corporation System, Los Angeles, CA

DATE AND HOUR OF SERVICE:

By Process Server on 11/15/2007 at 14:45

APPEARANCE OR ANSWER DUE

Within 30 days after service

ATTORNEY(S) / SENDER(S):

Mark N. Todzo

Lexington Law Group, LLP 1627 Irving Street San Francisco, CA 94122 415-759-4111

ACTION ITEMS:

Telephone, Rosemarie Pierce , 215-640-7016 SOP Papers with Transmittal, via Fed Ex Standard Overnight , 798311068560

SIGNED: PER: ADDRESS:

C T Corporation System

Nancy Flores 818 West Seventh Street Los Angeles, CA 90017 213-337-4615

TELEPHONE

Page 1 of 1/VI

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

SUMMONS (CITACION JUDICIAI)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

COMCAST OF ALAMEDA, INC.: Additional Parties Attachment Form is attached.

YOU ARE BEING BUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE): ION HART, On Behalf of Himself and All Others Similarly Situated, and On Behalf of the General Public

M COMPTUNE ONLY

ENDORRED. ALALEDA CALATA

NOV 1 3 2007

PLERK OF THE BUPERIOR COURT By Tunha Peny, Frequety

You have 30 CALENDAR DAYS after life estimates and legal papers are served on your to be a written response at this court and have a copy sured on the piciniti. A folder or plante old will not protect you. Your written response must be in proper legal form if you went the control to hear your case. There may be a court form that you can use for your response. You san that have regarded form if you went the information at the California Counts Grain Sale Help Counts (sussection), your next had not play the filling fee, but the count close to your response form. Hyou do not like your response on this count is not received by defending the playing may be before the count and the paper legal fee, but it is your response on this count and the count of the section of the section of the papers. There are other legal equations, you may seem a series, you cannot allow a submary from the propers. You can locate these acceptances the action of the section of the

Tiene 30 Dita DE CALENDARIO diagnote de que lo impreguen este citación y papeles legales en este corte y hecer que se empague una ecita demunitaria. Una carte o una limitar injecto descrito Eura que estar en horando legal correcto si deses que procesen su caso se la ciuta. Es en procesen su caso se la ciuta. Es en procese su procese su la ciuta. Es en procese su procese su la ciuta. Es en procesa cara junta se retropuera. Puedo encontrer estos formularlos de la corte y este información de la corte que en estado o en contra pagar la como de procentación, piche el secretario de la corte que la di un formación de la corte que la discontra de la procesa de la porte que la corte que la corte que la corte de la corte que la

May care requisitos ingulai. En recomentado que la como por monapolicado y la corte en recular requisitos e sincipados. O por producto proprio (en abelento, en gra programa de servicios inguistas de servicios inguistas de servicios inguistas de servicios inguistas de tradiciones de como programa de como por en como p

The name and exercise of the court is: (El nombre y dirección de la corte ce): Alameda County Superior Court

Rene C. Davidson Alameda County Courthouse

1225 Fallon Street, Oakland, CA 94612

The name, address, and telephone number of painting ottomer, or plainting without an attomer, is:

(El numbre, to discolor y el número de telefone del abagado del demandante, o del demandante que notiene abagado, est.

Mark N. Todzo

Lexington Law Group, LLP 1697 Tail ...

Demo	1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -
(Facha) NOV 13.2	007 Pat S. Syccoton (Semestric) Communication (August Party) (August Party)
10 CALLED OF BARKERS OF HIS	Authorities use Proof of Service of Sommone Power (POS-010).) (Adjunk eath-allelia use of Service of Sommone Power (POS-010).)
ARVA	NOTICE TO THE PERSON REPURD. Van TO THE PERSON REPURD.
	1 on an individual detendant. 2 on the ficulture status of lapacing.
	3. Ton bolist of concest of California X, Inc
	100 418 10 (comorption)
	CCF 418.40 (association or earliers for 1
Face Administration department of the	by personal delivery on (date): \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\

SUMMONS

A WoltersKluwer Company

Service of Process Transmittal

11/16/2007

CT Log Number 512797002

TO:

Rosemarie Pierce

Comcast Corporation 1500 Market Street, 35th Floor Philadelphia, PA 19102-2148

RE:

Process Served in California

FOR:

Comcast of California V, Inc. (Domestic State: CA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:

Jon Hart, On Behalf of Himself and All Others Similarly Situated and On Behalf of the General Public, Pttf. vs. Comcast of Alameda, Inc., et al. including Comcast of

California V. Inc., Dfts.

DOCUMENT(5) SERVED:

Summons, Complaint, Attachment(s), Amended Cover Sheet, Stipulation Form(s),

Affidavit(s)

COURT/AGENCY:

Alameda County, Superior Court, CA Case # RG07355993

NATURE OF ACTION:

Class Action - Defendants intentionally impede their customers' access to the Blocked Applications by transmitting unauthorized hidden messages to the computers of customers who utilize such applications - Seeking that the court preliminarily and permanently enjoin defendants from conducting their businesses through the unlawful, unfair or fraudulent business acts or practices, untrue and misleading advertising and other violations of law described in the complaint

ON WHOM PROCESS WAS SERVED:

C T Corporation System, Los Angeles, CA

DATE AND HOUR OF SERVICE:

By Process Server on 11/15/2007 at 14:45

APPEARANCE OR ANSWER DUE

Within 30 days after service

ATTORNEY(\$) / SENDER(\$):

Mark N. Todzo

Lexington Law Group, LLP 1627 Irving Street San Francisco, CA 94122 415-759-4111

ACTION ITEMS:

Telephone, Rosemarie Pierce , 215-640-7016 SOP Papers with Transmittal, via Fed Ex Standard Overnight , 798311068560

SIGNED: PER:

ADDRESS:

C T Corporation System Nancy Flores 818 West Seventh Street Los Angeles, CA 90017

TELEPHONE:

213-337-4615

Page 1 of 1/VI

Information displayed on this transmittel is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified meil receipts confirm receipt of package only, not contents.

7:45p

SUMMONS	SUM-1	90
(CITACION JUDICIAL)	MOUSE PRINK HES DE LA COUTTE	
NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):	•	
COMCAST OF AT ADMINA THE	ENDINERS	ı
COMCAST OF ALAMEDA, INC.; Additional Parties Attachment Form	The state of the s	-
	ALAMEDA COMPT.	
VOII about the second s		1
YOU ARE BEING SUED BY PLAINTIFF:	NOV 1 3 2507	1
(LO ESTA DEMANDANDO EL DEMANDANTE):	LERK OF THE BUPERIOR COURT	1
JON HART, On Bahaif of Himself and All Others Similarly Situated, and On Behalf of the General Public	By Tueba Daniel Count	ı
The state of the s	By Tunha Peris, Figury	ľ
Vandanta		1
You have 30 CALENDAR DAYS after this estimates and legal papers are served on yourse to copy during on the plaintiff. A felter or phone call will not protect you, your written associates	S William response of this court and a	ł.
the same with the same of the	And the burden teacher total is not more single	١
The state of the s	Interest contact MALLIES, WATER PROPERTY.	ŀ
lose the own by defent, and your reason, money, and properly may be believed from the special form. By no do not the own by defent, and your reason, money, and properly may be believed from the control from the control for the final superintents. You may be superint service. By you cannot action as alternay of his way. By you do he program. You can locate these despited for the legal service and the control for the legal service. By the control for the legal service of the le	and the your response on time, you may	ŀ
attorney referred services. If you carried after so provided the storney inflict away. If you do no	know an attempt, you are well to see	ŀ
Courts Colling Rate Line Assessment provide at the Collinson Logic Services (this after the Assessment Collins Rate Line (this after this after the after this after the after this after this after this after this after this after t	one from a homorous legisl nervices	ŀ
server bear community a down the bit of the connection from local sed	the county bir association	ľ
		İ
Tiene 39 DIAS DE CALENDARIO después de que le entrepara este diseión y popular facelar en este corte y bacer que se arrosque lina acute el demondante. Una carte e una dimenta liquid correcto el desse que proceson el carte de corte. Es puede como para en reconente. Procés como para en reconente. Procés como para en reconente. Procés como para en reconente.	Vice no so protection. So resiposite por	ŀ.
iscrito tiene que actar en l'armite legal porrecto si desse que procesan su casa inmetté fajorie, puede una person su casa en l'armite legal porrecto si desse que procesan su casa en la ciene. Ca puede una person su respuesta. Puede encontra estos formularios de la corta y sus información de la corta y sus información de la corta y sus información puede specia la cuerta y sus información o en puede specia la cuerta de su condicto o en puede specia la cuerta de su condicto o en	i an el Centro eti Avieta de les finalestes	
puede proper la rustin de procentación, pida el secretario de la corto casa la sia terralista o en	le sorte que le dorde més circa. 81 aq	١.
line dece renderes brailes. Es recomendade la little y la corte la presidente de se	City (Militie y Marris alsonies : Si no prisinger	
marricio de remisión a abopados. El do puede pagor a las abolados en estables ese constitue de	ig conoce é un abogado, puede llectar a un	
prices com para par responses. Practo vaccontes serios formularios de la corte y más información Ceillornia (avair coordinto casproisathespaneis), en la biolectura de láyes de su condeido o se practo pagas la purios de presentación, picas el secretario de la corte que la cida de condeido o se se responses a transpo, puede perciar el casor por lambanda plates y la corte la partir qui sin illar circo de remaitira de la propieta. El recomenciable que latina a manda pode la partir qui sin response la productiva de la programa. El plo puede pagar e un abolació, en practito de seministra de seministra de seministra de seministra de la productiva de la programa de la productiva de la programa de la programa de la programa de la productiva de la productiva de la programa de la programa de la programa de la programa de la productiva de la programa de la	PRIVATE AND PRINT PROPERTY SERVICION	•
California Lapra Savicia, funis impholocolifornia signica de Canifo do Ayuda de La Cornia de Canifo	The state of the s	
1/0 1/8/10 GUO GOTERES IN THE CHARLES	Francisco Report Control	• •
El nombre y dirección de la corie es):	0735599	
Alameda County Superior Court	0735599	5
Rone C. Davidson Alameda County Courthouse		
1225 Fallon Street, Oakland, CA 94612		
he name, address, and telephone number of plaintiffs atomay, or plaintiff without an attomory If nombre, is discussory of numero de initiation del shopedo sel demendante, o del demandes Latik IV. Todzo	ic	
ISIN IV. SOCIO	re que no nene abogado, esti	
exington Law Group, LLP, 1627 Irving Street, San Francisco, CA 94122		٠
ATE	Notice Porty	;
	Deputy	•
or proof of manion of this summons, was Proof of Service of Rimmons (born POS-010).) are provide de entrava de entrava de entrava de la proof of Service of Rimmons (born POS-010).)	(Adjunto)	
The state of the s	arojj:	
NOTICE TO THE PERSON SERVED! YOU are served.		
2. () An the General diselection in grant and the contract of	• •	

Fern Administracy Use Joseph Council of California 81/16-100 (Rise, Johnson L. 2004)

SHOWNING

under: CCP 416.10 (corporation)

CCP 416.20 (defunct perposition)

CCP 416.20 (describition or pastricism)

by personal delivery on (date): 1-15 -0

Paged of 9 Code of Cod Protection 20 512.25, 648 Million Laurier, Say Control Control Control

CCP 418.80 (migor) CCP 418.70 (odrogovate) CCP 418.50 (militarizad person)

COPY

A WoltersKiuwer Company

Service of Process Transmittal

11/16/2007

CT Log Number 512797013

TO:

Rosemarie Pierce

Comcast Corporation 1500 Market Street, 35th Floor

Philadelphia, PA 19102-2148

RE:

Process Served in California

FOR:

Comcast of California IX, Inc. (Domestic State: CA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

Jon Hart, On Behalf of Himself and All Others Similarly Situated and On Behalf of the General Public, Pitt, vs. Comcast of Alameda, Inc., et al. including Comcast of

California IX, Inc., Dfts.

DOCUMENT(5) SERVED:

Summons, Complaint, Attachment(s), Amended Cover Sheet, Stipulation Form(s),

Affidavit(s)

COURT/AGENCY:

Alameda County, Superior Court, CA Case # RG07355993

NATURE OF ACTION:

Class Action - Defendants intentionally impede their customers' access to the Blocked Applications by transmitting unauthorized hidden messages to the computers of customers who utilize such applications - Seeking that the court preliminarily and permanently enjoin defendants from conducting their businesses through the unlawful, unfair or fraudulent business acts or practices, untrue and misleading advertising and other violations of law described in the complaint

ON WHOM PROCESS WAS SERVED:

C T Corporation System, Los Angeles, CA

DATE AND HOUR OF SERVICE:

By Process Server on 11/15/2007 at 14:45

APPEARANCE OR ANSWER DUE:

Within 30 days after service

ATTORNEY(S) / SENDER(S):

Mark N. Todzo

Lexington Law Group, LLP 1627 Irving Street San Francisco, CA 94122 415-759-4111

ACTION ITEMS:

Telephone, Rosemarie Pierce , 215-640-7016

SOP Papers with Transmittal, via Fed Ex Standard Overnight, 798311068560

SIGNED: PER: ADDRESS:

C T Corporation System Nancy Flores

818 West Seventh Street Los Angeles, CA 90017 213-337-4615

TELEPHONE:

Page 1 of 1/VI

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legat opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

Sumi	HONS
(CITACION	JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DENIANDADO):

COMCAST OF ALAMEDA, INC.; Additional Parties Attachment Form is stached.

YOU ARE BEING BUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE): JON HART, On Behalf of Himself and All Others Similarly Situated, and On Behalf of the General Public

FÖR COUNT ÚT FOULY LO PARA UND DE LA CO

ENDINNES ALAMEDACTOR

NOV 1 3 2007

ZERK OF THE BUPERIOR COURT By Tanha being Frequely

You have 36 CALENDAR DAYS after titls someone and logs japans are served prepared the a uniform mapoins of the court and have a copy sound on the plaintiff. A letter or phone said will not protect you. Your written mapoins must be in proper legal form if you want the court to have your copy. There may be a court term that you can fore your response. You can that have a court form that you can the California Courts Courts in that you can tree for your response. You can the proper legal form if you want the information at the California Courts Courts for the proper legal form if you want the information at the called the plant in the proper legal form if you want the court form the court form the spate of the plant in the pla

There 30 DIAS DE CHIENDARIO despute de que lo intreguée aute citadin y papales legales pain pre-or aute code y baser que se amague una popia el demandente, dese carto a una Remaid implicate ao lo sectio tiene que estar en formans legal correcto el deusa que proceson su oses en la corte. En postelle qu Celifornia investromiente carportestificablespanolis, en la biblioteca de layer de se información en el Ce puede pager la cueta de presentación, pida el aperatrio de se corte que la cia mentidado de mis sorte so responses a despo, posto percip el mano per instrumidación y el podrá arter el sentido de la lay dece recontro la puede percip el mano per instrumidantes de la corte la podrá arter el sentido de la corte de producto de presentación de la corte de podrá arter el sentido de la corte de percentación de la corte de percentación de la corte de podrá arter el sentido de la corte de podrá arter el sentido de la corte de percentación de la corte de la co

Hay chook requisition impaire. Partecumentally due follows a unable per included as the control of production of the control o

The name and address of the gaint is: (El nombre y dirección de le dorte es): Alasseda County Superior Court

Rene C. Davidson Alameda Courty Courthouse

1225 Fallon Street, Oakland, CA 94612

The name, address, and telephone number of paintiff's promey, or plaintiff without an attorney, le:

(El nombre, le discolón y el número de relatione del abogado sel demendenie, a del demendenie que no sene abogado, est.

Mark N. Todzo

Lexington Law Group, LLP, 1627 Irving Street, San Francisco, CA 94122.

NOV. 1 3. 2007 Pat S. Sweeten (Semestra) (Festio) (For proof of service of this summors, use Proof of Service of Semmons (form POS-010).)
(Para prueba de entrega de este ofletión use el formulario Proof of Service of Summons, (PGS-010)):

NOTICE TO THE PERSON SERVED: You are served] se en individual defendant . es the firman sued uniter the fictilious name of (specify): 3. D'an behind of the liberaia IX, under: CP 416.10 (corporation) T CCP 418.80 (minor) CCP 418:20 (defundt porporation) CCP 418.70 (odoservates) CCP 415.40 (association or partnership)

Cities (specify): by personal delivery on (date):

BUMMONS

CCP 418.90 (authorized parion)

0735599

Form Advance for Honderon Use Justicel County of Chilbrin SUM-100 (Raw, Juneary 1, 2004)

A WoltersKluwer Company

Service of Process **Transmittal**

11/16/2007

CT Log Number 512797028

TO:

Rosemarie Pierce

Comcast Corporation 1500 Market Street, 35th Floor Philadelphia, PA 19102-2148

RE:

Process Served in California

FOR:

Comcast of California II, Inc. (Domestic State: CA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:

Jon Hart, On Behalf of Himself and All Others Similarly Situated and On Behalf of the General Public, Pttf. vs. Comcast of Alameda, Inc., et al. including Comcast of

California II. Inc., Dits.

DOCUMENT(5) SERVED:

Summons, Complaint, Attachment(s), Amended Cover Sheet, Stipulation Form(s),

Affidavit(s)

COURT/AGENCY:

Alameda County, Superior Court, CA Case # RG07355993

NATURE OF ACTION:

Class Action - Defendants intentionally impede their customers' access to the Blocked Applications by transmitting unauthorized hidden messages to the computers of customers who utilize such applications - Seeking that the court preliminarily and permanently enjoin defendants from conducting their businesses through the unlawful, unfair or fraudulent business acts or practices, untrue and misleading

advertising and other violations of law described in the complaint

ON WHOM PROCESS WAS SERVED

C T Corporation System, Los Angeles, CA

DATE AND HOUR OF SERVICE:

By Process Server on 11/15/2007 at 14:45

APPEARANCE OR ANSWER DUE:

Within 30 days after service

ATTORNEY(S) / SENDER(S):

Mark N. Todzo

Lexington Law Group, LLP 1627 Irving Street San Francisco, CA 94122 415-759-4111

ACTION ITEMS:

Telephone, Rosemarie Pierce, 215-640-7016

SOP Papers with Transmittal, via Fed Ex Standard Overnight, 798311068560

SIGNED: ADDRESS:

C T Corporation System Nancy Flores 818 West Seventh Street Los Angeles, CA 90017 213-337-4615

TELEPHONE:

Page 1 of 1/VI

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the enswer date, or any information contained in the documents themselves. Recipient is responsible for interpreting seid documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

COMCAST OF ALAMEDA, INC.; Additional Parties Attachment Form is attached.

YOU ARE BEING SUED BY PLAINTIFF; (LO ESTÁ DEMANDANDO EL DEMANDANTE): JON HART, On Behalf of Himself and All Others Similarly Situated, and On Behalf of the General Public

FOR COURT USE ONLY LO PARA LED DE LA CORTE

ENDSPEED ALAMEDA COCKT

NOV 1 3 2607

JLERK OF THE BUPERIOR COURT By Tunha Perly, Deputy

You have 30 CALENDAR DAYS after title estimations, and legal gapeirs are served on you to the a written couple and have a copy sorted on the plaintif. A letter or plane sell will not provide you. Your written response, the in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You sent that these court forms and ingress to farmed you. If you cannot pay the filling fee, and the Cauth forms to the whater your. If you go may the filling fee, and the court feet for a tie whater your. If you do not the your response on this, you may loss the case of the court feet for a tie whater your. If you do not the your response on this, you may loss any other taight requirements. You may want to tail an atterney dight seem, if you do not the your secondary will respon any to the first the court of the court for the feet seems after a service of the feet the court of the feet the court of the service of the feet the court of the California Lugar Service files and services for a county but exceptions.

Courts Online Self-Help Carrier services are the countered, or the countering your local another or county but exact before.

There 30 CIAS-DE CALENDARIO despute the que le impropose aim attación y papeire legales per presente información por assistantes de la conte y hacer que se entragar una copia el demontante. Una centra o una firmidia la fiderica no la produção. Se producido de se corto y más información no la produção. Se producido de se corto y más información en el Centro de Ayana de las de Cellarios para en respueste. Producionar estos formalarlos de la corto y más información en el Centro de Ayana de las de Cellarios producidos continto esta porte del producido de la corto de Ayana de las de Cellarios funda continto esta porte del producido de la corto de Ayana de las de Cellarios funda continto de procentación, pida el secretorio de se corto que la minemación de vintuado de producido de la corto de la corto de la producido de la corto de la corto de la producido de la corto de la corto de la corto de la producido de la corto de la corto de la producido de la corto del corto de la corto del corto de la c

a propos de finas de locro en el elto pet de

The name and address of the popular (El nombre y dirección de la corte es); Alaureda County Superior Court

Rene C. Davidson Alameda County Courthouse

1225 Failog Street, Oakland, CA 94612

The name, address, and telephone number of picintiffs promey, or plaintiff without an attorney, is:
(El nombre, is discord y el número de telefono del abegado del demandante; o del demandante que no llene abegado, las l.
Mark N. Todzo

Lexington Law Group, LLP, 1627 Irving Street, San Francisco, CA 94122

Pat S. Sweeten (Secolario) Сорију (For proof of senion of this stammons, was Proof of Senion of Stammons (Som POS-018).) (Para prueba de entrega de este citatido usa el formulario Proof of Betrica el Sucondos, (PUS-010)):

NOTICE TO THE PERSON BERVED: Yes are served BEAL an Individual defordant es the person sued whole the fectious define of specify:

3. I on behalf of the contact of California I under W SCP 418.10 (corporation) 1. CCP 418.80 (migus) COP 415.20 (defundt comorabon) CCP 416.70 (odcaervatoe)

CCP 418.40 (essectation of painteenin) CCP 418.50 (sufficient person) ither (specify):

4 by personal delivery on (date): \(\((.\)\) 0.

3

0735599

SUMMONS

A WoltersKluwer Company

Service of Process **Transmittal**

11/16/2007

CT Log Number 512797040

TO:

Rosemarie Pierce

Comcast Corporation 1500 Market Street, 35th Floor Philadelphia, PA 19102-2148

RE:

Process Served in California

FOR:

Comcast of California III, Inc. (Domestic State: CA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:

Jon Hart, On Behalf of Himself and All Others Similarly Situated and On Behalf of the General Public, Pitt. vs. Comcast of Alameda, Inc., et al. including Comcast of

California III, Inc., Dfts.

DOCUMENT(S) SERVED:

Summons, Complaint, Attachment(s), Amended Cover Sheet, Stipulation Form(s),

Affidavit(s)

COURT/AGENCY:

Alameda County, Superior Court, CA Case # RG07355993

NATURE OF ACTION:

Class Action - Defendants intentionally impede their customers' access to the Blocked Applications by transmitting unauthorized hidden messages to the computers of customers who utilize such applications - Seeking that the court preliminarily and permanently enjoin defendants from conducting their businesses through the unlawful, unfair or fraudulent business acts or practices, untrue and misleading advertising and other violations of law described in the complaint

ON WHOM PROCESS WAS SERVED:

C T Corporation System, Los Angeles, CA

DATE AND HOUR OF SERVICE:

By Process Server on 11/15/2007 at 14:45

APPEARANCE OR ANSWER DUE

Within 30 days after service

ATTORNEY(S) / SENDER(S):

Mark N. Todzo

Lexington Law Group, LLP 1627 Irving Street San Francisco, CA 94122

ACTION ITEMS:

Telephone, Rosemarie Pierce , 215-640-7016 SOP Papers with Transmittal, via Fed Ex Standard Overnight , 798311068560

SIGNED:

C T Corporation System

ADDRESS:

Nancy Flores 818 West Seventh Street Los Angeles, CA 90017 213-337-4615

TELEPHONE:

Page 1 of 1 / VI

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

COMCAST OF ALAMEDA, INC.; Additional Parties Attachment Form is attached.

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE): ION HART, On Behalf of Himself and All Others Similarly Situated, and On Behalf of the General Public

FOR COURT USE OFLY TO FERA 453 DE CA COR

ALMED OF THE

NOV 1 3 2007

PLERK OF THE BUPERIOR COURT By Tunha Perps Reputy

You have 30 CALENCAR DAYS after this submines and legal papers are served on your to the a written nesponsoal this court and have a copy served on the plaintiff. A fetter or phase sail will not protein you. Your written response must be in proper legal form if you went the court to have your case. There may be a court form that you can use for your response. You can the California Courts Courts from the California Courts from the California Court from the proper legal form it you cannot per the filling tes, sat the court driet forms the explaintable, you for pourty fair library, in: the doubthouse loss the gass by default, and your wages, morse, and property say to be the report from the your response on sink you may be the first writing from the your response on sink you may the thinks without further, which you cannot all and your wages, morse, and property say with the first way. If you do not know in internet, you say want to tall an attenty refer any other throat in internet, you cannot all and your response to a story refer any other than the court of the court

There 30 Dilas de CALEMPARIO staquede de que la intringuén aise chiación y pupeles (egates pare pres on este corte y hacer que se annegat una copie al comunidante. Una carte o una himanis inipidade nel pare pres incrito tiene que este an intringui carrecto si desen que procesan su case se la cierte. Ca posible que presente entre que procesan su case se la cierte. Ca posible que carrecto si desen que procesan su case se la cierte. Ca posible que carrecto si desen que procesan su case se la cierte. Ca posible que carrecto internal junto combine ca procesa de la correcto de la correcto de se correcto de la correcto de su constituir de se responsar a si ampo, puede perde el una por inclampatado y la corte de producto esta en el correcto de la corre

The name and address of the opping is (El nombre y dirección de la corta ex): Alaureda County Superior Court

Rene C. Davidson Alameda County Courthouse

1225 Fallon Street, Oakland, CA 94612

The name, address, and telephone number of pajniffs gramey, or spaintff without an attempt, is:
(III numbre, to discools y of numbro de foldous set abogado del domandante, o del domandante que no tiene abogado, esti:
Mark N. Todzo

Lexington Law Group, LLP, 1627 Irving Street, San Francisco, CA 94122 Pat S. Sweeten (September 1) (Featre)

(For proof of service of this sommone, use Proof of Service of Boremans (form POS-010).) (Para prueba de witheya de esta ofisión use el immulajo Preof of Botylca of Sutamons, (PGS-010)):

BEAU	50 an individual pelantaria
, ,	2 eache fersion sted under the facilities name in lepacing:
	3 1 on behistor (specific Comcast of California I
•	
• •	Under: V CCP 418.10 (corporation) CCP 418.80 (mirror CCP 418.80 (mirror CCP 418.70 (corporation)) CCP 418.70 (corporation)

dinar (specify): by personal delivery on (date): 11 · 15 · 0

SUMMONS

place for Hendus County of Calif

A Wolterskluwer Company

Service of Process Transmittal

11/16/2007

CT Log Number 512797056

TO:

Rosemarie Pierce Comcast Corporation 1500 Market Street, 35th Floor Philadelphia, PA 19102-2148

RE:

Process Served in California

FOR:

Comcast of California VI, Inc. (Domestic State: CA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:

Jon Hart, On Behalf of Himself and All Others Similarly Situated and On Behalf of the

General Public, Pltf. vs. Comcast of Alameda, Inc., et al. including Comcast of California VI, Inc., Dfts.

DOCUMENT(5) SERVED:

Summons, Complaint, Attachment(s), Amended Cover Sheet, Stipulation Form(s),

Affidavit(s)

COURT/AGENCY:

Alameda County, Superior Court, CA Case # RG07355993

NATURE OF ACTION:

Class Action - Defendants intentionally impede their customers' access to the Blocked Applications by transmitting unauthorized hidden messages to the computers of customers who utilize such applications - Seeking that the court preliminarily and permanently enjoin defendants from conducting their businesses through the unlawful, unfair or fraudulent business acts or practices, untrue and misleading advertising and other violations of law described in the complaint

ON WHOM PROCESS WAS SERVED.

C T Corporation System, Los Angeles, CA

DATE AND HOUR OF SERVICE:

By Process Server on 11/15/2007 at 14:45

APPEARANCE OR ANSWER DUE:

Within 30 days after service

ATTORNEY(\$) / SENDER(\$):

Mark N. Todzo

Lexington Law Group, LLP 1627 Irving Street San Francisco, CA 94122

415-759-4111

ACTION ITEMS:

Telephone, Rosemarie Pierce, 215-640-7016 SOP Papers with Transmittal, via Fed Ex Standard Overnight, 798311068560

SIGNED: PER: ADDRESS:

C T Corporation System Nancy Flores 818 West Seventh Street Los Angeles, CA 90017 213-337-4615

TELEPHONE:

Page 1 of 1 / VI

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

SUM	4ONS
CITACION	MONS Judicial)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

COMCAST OF ALAMEDA, INC.; Additional Parties Attachment Form is strached.

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE): JON HART, On Behalf of Himself and All Others Similarly Stimpted. and On Behalf of the General Public

SUM-(O) FOR COURT USE ONLY LO PARA USO DE LA COSTE

ENDOPPINED ALALESA COURTY

NOV 1 3 2007

LERK OF THE GUPERNAR COURT By Train Percy, Recuty

You have 30 CAL BEDAR DAYS after this summons and legal gapers; are served on your fact the a written response of this court and have a copy served on the plainth. A letter or phase and will not protein you, Your written response must be in proper legal form if you went the talermentation at the California Courts United Set Main you can use for your response. You are not have court forms and there is a formal courts United Set Main Courts Courts forms and there is a formal and the California Courts United Set Main Courts Courts (or the California Courts Courts Courts (or the California Courts Cour

information at the California Comin Grilles Self-Melp Cantum (areas countring on Method you. If you cannot pay the filling the sak the count circle for a few visions the case by dalauff, and your wages, money, suit property play the beliefs with the same other larger requirements. You may want to said an atterney eight an attential service, if you exame afford security you may be eligible a suit in the case of the country of the case
There 30 DIAS OF CALENDARIO desputa de que la británguar este eficilión y justicio legado en este corte y baser que se emisigue una sobie el deminiente, timo entre o com liminal injuidades descrito de desputação processor en caso de la corte. En pueda usar para se responsar. Puedo encontre estas formularios de la corte y más informação como processor estas formularios de la corte y más informação con la dificiente de la persona de se condições de la corte del la corte de la corte de la corte de la corte

The name and accreas of the court is: (El nombre y dirección de la coria es): Alameda County Superior Court

Rene C. Davidson Alameda County Courthouse

1225 Fallon Street, Oakland, CA 94612

The name, address, and telephone number of paintiffs attorney, or plaintiff without an entomey, is:

(El nombre, is discordin y el número de natione del abogado del demendante; o del demandante que no Bene abogado, esti-

Lexington Law Group, LLP, 1627 Irving Street, San Francisco, CA 94122

Pat S. Sweeten (Secretario)

(For proof of service of this summons, use Proof of Service of Summons (Bora POS-016).) (Para prueba de entraga de esty chatigo use el translajlo Proof of Service of Summons, (F

♣ ☐ by personal delivery on (date):

DEAD	NOTICE TO THE PERSON SERVED: You are served.	
	2. at the person steed under the fictilious name of specific. 3. Was behalf of forecast. Comcast of California	il.
	under W CCP 418-10 framovelient	
	CCP 418.40 (defunds composition) CCP 418. CCP 418.40 (description or partnership) CCP 418.	

Forp Admind for Westerny Dis-Justical County of California 8194-100 [Riv. 1440by L 2004]

SUMMONS

Deputy

A Wolterskiuwer Company

Service of Process **Transmittal**

11/16/2007

CT Log Number 512797069

TO:

Rosemarie Pierce

Comcast Corporation 1500 Market Street, 35th Floor Philadelphia, PA 19102-2148

RE:

Process Served in California

FOR:

Comcast of Sierra Valleys, Inc. (Domestic State: CA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:

Jon Hart, On Behalf of Himself and All Others Similarly Situated and On Behalf of the General Public, Pltf. vs. Comcast of Alameda, Inc., et al. including Comcast of Sierra

Valleys, Inc., Dits.

DOCUMENT(S) SERVED:

Summons, Complaint, Attachment(s), Amended Cover Sheet, Stipulation Form(s),

COURT/AGENCY:

Alameda County, Superior Court, CA Case # RG07355993

NATURE OF ACTION:

Class Action - Defendants intentionally impede their customers' access to the Blocked Applications by transmitting unauthorized hidden messages to the computers of customers who utilize such applications - Seeking that the court preliminarily and permanently enjoin defendants from conducting their businesses through the unlawful, unfair or fraudulent business acts or practices, untrue and misleading advertising and other violations of law described in the complaint

ON WHOM PROCESS WAS SERVED:

C T Corporation System, Walnut Creek, CA

DATE AND HOUR OF SERVICE:

By Process Server on 11/15/2007 at 14:45

APPEARANCE OR ANSWER DUE:

Within 30 days after service

ATTORNEY(S) / SENDER(S):

Mark N. Todzo

Lexington Law Group, LLP 1627 Irving Street San Francisco, CA 94122 415-759-4111

ACTION ITEMS:

Telephone, Rosemarie Pierce , 215-640-7016 SOP Papers with Transmittal, via Fed Ex Standard Overnight , 798311068560

SIGNED:

PER: ADDRESS: C T Corporation System

Nancy Flores 818 West Seventh Street Los Angeles, CA 90017 213-337-4615

TELEPHONE:

Page 1 of 1/VI

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEPENDANT: (AVISO AL DEMANDADO):

COMCAST OF ALAMEDA, INC.; Additional Parties Attachment Form is strached.

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE): JON HART, On Behalf of Himself and All Others Similarly Situated, and On Behalf of the General Public

FÖR COMPT ÚST ÓLLY BOLD FORA (40 DE CA COMP

置れの方面の注意 ALALIEDA GÖLÜTTE

NOV 1 3 2007

Lerk of the Buperior Court By Tenha Perix Figury .

You have 30 CALENDAR DAYS after this summans and legal papers are served on you're fire a written mappiness this court and have a copy served on the plaints. A fetter or phose cell will not protect you your written response much be in proper legal form if you went the court to have your cose. There may be a court form find you on test for your response. You are find there court forms and there interests on at the California Counts United Said-Majo Carter branchouristics at the California Counts United Said-Major Carter branchouristics at the California Carter branchouristics at the Carter branchour

information at the Celifornia Gonda Guillos Self-Help Cordar (wask-countried-cargorineliteth). Yeth countries that the extense you. If you contact pely the filling fee, sait the countriest for a time extense form. If you do not the your recommended countries in the case by default, and your wapes, money, and property may be below wathout further warming from the countriest of the case in the case is an accountable of the countriest of the case of the countriest of

Tiene Jo DiAS OF CALENDARIO desputa de que la ordráguer esta Checión y pour local com de coura à con este corte y heur que se entrague tas ordrés par la contrata de coura à contrata de c

Her droe rejuditos ingulai. Es nocumentaje din libra si varido de penialita si bigindos. Si in puede paga si ini bista la produce de penialita si bigindos. Si in puede paga si ini bista la produce de la progiana de servicios ingulas estricas. Calburala Lagal Sarvicia, funia inicial especialisticas en la cia (mau, constituto es gradular la pagintalia) a pagintagas en la fini

The name and address of the grant is: (El nombra y dirección de la corte ex): Alameda County Superior Court

Rene C. Davidson Alameda County Courthouse

1225 Fallon Street, Oakland, CA 94612

The neme, address, and telephone number of piajonite atterney, or plaintiff without an externey, is:
(## nombra, is dissection y of numbers de telefone del abegado del demandante, o del demandante que no tiene abegado, esti:
Marik N. Todzo

Lexington Law Group, LLP, 1627 Irving Street, San Francisco, CA 94122

(Feche)	NOV 13.7	2017	Pat S Sweeten	Clark, by (Secretario):		L MITY	Deput
(Parphodi (Para con	of service of fluid	ummons, use	Proof of Service at Sun	mens (20m POS-010)			(Adjuni
BEAU	an extended to the	NOTICE T	a ai companyo program O The Person Ber	Service of Summons. VED: Yes are served.	From Aceterista		
	•	الالساء إ	e an incivicue! Ottenda	ot. or the fictilious name of	`.		
		1					
<u> </u>		3 12 a	behalf of (specific)	emvast of	Secra Va	leu's	T2.

under: CCP 416.10 (corporation)

CCP 416.20 (definic) corporation) CCP 418.60 (m/gor) CCP 416.70 (odrowyvalse) CCP 418 40 (Sepociation of partnership) OCP 418.90 (sufficient perion)

I other (epocaly): A ____ by personal delivery on (deta):

SUMMONS

Form Advanted for Managery Line Justical Council of California SLAM-100 (Rive, Justice) 1, 20059

A WoltersKluwer Company

Service of Process Transmittal

11/16/2007

CT Log Number 512797076

TO:

Rosemarie Pierce

Comcast Corporation 1500 Market Street, 35th Floor Philadelphia, PA 19102-2148

RE:

Process Served in California

FOR:

Comcast of Northern California II, Inc. (Domestic State: CA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:

Jon Hart, On Behalf of Himself and All Others Similarly Situated and On Behalf of the General Public, Pltf. vs. Comcast of Alameda, Inc., et al. including Comcast of Northern California II, Inc., Dfts.

DOCUMENT(5) SERVED:

Summons, Complaint, Attachment(s), Amended Cover Sheet, Stipulation Form(s),

Affidavit(s)

COURT/AGENCY:

Alameda County, Superior Court, CA Case # RG07355993

NATURE OF ACTION:

Class Action - Defendants intentionally impede their customers' access to the Blocked Applications by transmitting unauthorized hidden messages to the computers of customers who utilize such applications - Seeking that the court preliminarily and permanently enjoin defendants from conducting their businesses through the unlawful, unfair or fraudulent business acts or practices, untrue and misleading advertising and other violations of law described in the complaint

ON WHOM PROCESS WAS SERVED:

C T Corporation System, Los Angeles, CA

DATE AND HOUR OF SERVICE:

By Process Server on 11/15/2007 at 14:45

APPEARANCE OR ANSWER DUE:

Within 30 days after service

ATTORNEY(S) / SENDER(S):

Mark N. Todzo

Lexington Law Group, LLP 1627 Irving Street San Francisco, CA 94122 415-759-4111

ACTION ITEMS

Telephone, Rosemarie Pierce , 215-640-7016 SOP Papers with Transmittal, via Fed Ex Standard Overnight , 798311058560

SIGNED: PFR: ADDRESS: C T Corporation System Nancy Flores 818 West Seventh Street

Los Angeles, CA 90017 213-337-4615

TELEPHONE:

Page 1 of 1 / VI

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

SUMMONS (CITACION JUDICIAL

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

COMCAST OF ALAMEDA, INC.; Additional Parties Attachment Form is susched.

YOU ARE BEING SUED BY PLAINTIFF; (LO ESTA DEMANDANDO EL DEMANDANTE):
ION HART, On Behalf of Himself and All Others Similarly Situated, and On Behalf of the General Public

SUM-100

#ND SEQUE ALAMONOMY

NOV 1 3 2007

PLEAK OF THE DUPERAYS COURT By Tasha Peny, Deputy

You have 30 CALENDAR DAYS after life summons and legal japons are served on you to the a written response of this court and have a copy served on the plaintiff. A letter or phone cell will not protein you. Your windon response in the proper legal form if you want the court to hear your cease. There may be a court form that you can use for your response. Yet, can find these court forms and ways such as formation at the California Courts (online Sak-Help Carper Jerus court for government.) Yet, can find these court forms and ways such as formation at the California Courts (one single parties of the case by default, and your wages, money, and property may form your. If you do not like your response on sink, you may have any other legal requirement. You may want to talk an attorney that there will be not be an account to the court of a suffer of a suffernity your may refer to the legal expected. If you cannot allow a suffernity you may suffer a suffernity that a suffernity that the call to the suffernity that the call to the legal suffernity that it is a suffernity of the suffernity is a suffernity of the legal suffernity is a suffernity. You call the California Legal Solvesid the court of county but expectation.

corrigio de pendajón e aboquetos. Si ho pende jesper a un abo, legições president de ses programes de servicios tegistes atéritos Cultorale Legis Servicia, (vivia temposponitorias orgi, em el Ci-parar, cotributo, ca gorda atrajos panos) e ponitirios en cotr

The name and address of the pour le (El nombre y dirección de le corte es): Alameda County Superior Court

Rene C. Davidson Alameda County Courthouse

1225 Fallon Street, Oakland, CA. 94612
The same, address, and telephone number of pigintiffs attorney, or plaintiff without an attorney, is:
(El nombre, to discorbe y or numero de foldons del abagado tiel demandante, o del demandante que no lle ne abagado, est.
Mark N. Todzo

DATE NOV 13.2	107 Date of Sentration CA 94122
LPCC DIDDE OF BALLION OF Phile of	(ACOMD)
(IEAL)	and the proof of Service of Burnman's (born-bos-010).] sty charido use of impulsion Proof of Service of Summons, (POS-010)): NOTICE TO THE PERSON SERVED: You are served. 1 so an individual defendant. 2 on the person sized widor the fictious name of (specifig):
	3 Donocher of poor Com cast of Northern California II, Inc
	DOP 418.10 (corporation) CCP 418.20 (miner)
: ' -	CCP 418.40 (association or partnership) CCP 418.50 (authorized person) Other (apecity): by personal delivery on (date): // // // //

A WoltersKluwer Company

Service of Process Transmittal

11/16/2007

CT Log Number 512797106

TQ:

Rosemarie Pierce

Comcast Corporation 1500 Market Street, 35th Floor Philadelphia, PA 19102-2148

RE:

Process Served in California

FOR:

Comcast of Sacramento I, LLC (Domestic State: CA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:

Jon Hart, On Behalf of Himself and All Others Similarly Situated and On Behalf of the General Public, Pitf. vs. Comcast of Alameda, Inc., et al. including Comcast of Sacramento I, LLC, Dfts.

DOCUMENT(S) SERVED:

Summons, Complaint, Attachment(s), Amended Cover Sheet, Stipulation Form(s),

Affidavit(s)

COURT/AGENCY:

Alameda County, Superior Court, CA Case # RG07355993

NATURE OF ACTION:

Class Action - Defendants intentionally impede their customers' access to the Blocked Applications by transmitting unauthorized hidden messages to the computers of customers who utilize such applications - Seeking that the court preliminarily and permanently enjoin defendants from conducting their businesses through the unlawful, unfair or fraudulent business acts or practices, untrue and misleading advertising and other violations of law described in the complaint

ON WHOM PROCESS WAS SERVED:

C T Corporation System, Los Angeles, CA

DATE AND HOUR OF SERVICE:

By Process Server on 11/15/2007 at 14:45

APPEARANCE OR ANSWER DUE:

Within 30 days after service

ATTORNEY(S) / SENDER(S):

Mark N. Todzo

Lexington Law Group, LLP 1627 Irving Street San Francisco, CA 94122 415-759-4111

ACTION ITEMS:

Telephone, Rosemarie Pierce, 215-640-7016

SOP Papers with Transmittal, via Fed Ex Standard Overnight , 798311068560

SIGNED: PER:

C T Corporation System

ADDRESS:

Nancy Flores 818 West Seventh Street Los Angeles, CA 90017 213-337-4615

TELEPHONE:

Page 1 of 1 / VI

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEHIANDADO):

COMCAST OF ALAMEDA, INC.; Additional Parties Attachment Form is attached.

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE): JON HART, On Behalf of Himself and All Others Similarly Simuled, and On Behalf of the General Public

ENDORRED

NOV i s 2007

ZERK OF THE BUPERLOW COURT By Tunha Pegy, Freguly

You have 30 CALENDAR DAYS after this summons and legal papers are served on your in a switten response at this count and have a copy derived on the plaints. A letter of plane call will not protect you. Your wides response must be in proper legal form if you went the court to hear your case. There may be a court form fint you can use for your response. You are find lines court forms and drays information at the California Count United Sak Majo Count favor-countains and part and find lines count forms and drays inchested you. If you count to perfect the count clark for a fee epitest peet. If you do not the your response on this your may the count form in the count clark for a fee epitest peet.

There are other bigal requirements. You stay lead to deal an alternay sight saves? If you do not the great the feet.

There are other bigal requirements. You stay lead to deal an alternay sight saves? If you do not the great staying went what to call on propersy, you can be count after a solution of the same and the count of the count of the same of the same of the same of the count of the co

Tiene 39 DIAN DE CALENDARIO chapule du que le infrinçoire eixe chiencie y popular arte corte y bacer que se entregue una écrite el comunitaria, chap carte o una financia liqui correcto el desse que procesan su caso en la ciu pueda una pue se responsara. Puedo encuelos estos ficialminios de la corte y este lista cum pue a responsara. Puedo encuelos estos ficialminios de la corte y este lista cum pueda pued

The Herne and address of the court is (El nombre y dirección de la corte ce): Alameda County Superior Court

Rene C. Davidson Alameda County Courthouse

1225 Fallon Street, Oakland, CA 94612

The name, address, and telephone number of pajnings attorney, or plaintiff without an attorney, is:

(El nombre, is, disection y al numero de telefone del abequio del demandante, a del demandante que no llene abequio, est.

Mark N. Todzo

Lexington Law Group, LLP, 1627 Irving Street, San Francisco, CA 94122

Feele NOV 1	3.2007		Clark, by	Belie Perry	Deputy
FOR DIGGE OF BANKES OF F	Tree to Company company	Proof of Service of Somm	(Septemblo): Tone (Blane PQS-018).) Orrige of Summons, (PDS-		(Adisnik
(SEAL)	1.	or removed delivering the second	Di Yeu are served		
	2.	to the person sued under	the fictilious mane of (speci		
	3.120	n behalf of (executive Co	mast of Sac	ramento I, LL	
	, under:	The state of the s	A79170th		
		CCP 41540 (esso		CCP 418.90 (migrature). CCP 418.90 (migrature).	son)
	— <u></u> ↓□ ♭	other (specify): y personal delivery on (da			
Paris Adapted for Westerny Libo					Pegal of

A Wolterskluwer Company

Service of Process Transmittal

11/16/2007

CT Log Number 512797125

TO:

Rosemarie Pierce Comcast Corporation 1500 Market Street, 35th Floor Philadelphia, PA 19102-2148

RE:

Process Served in California

FOR:

Comcast of Marin I, Inc. (Domestic State: CA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTIONS

Jon Hart, On Behalf of Himself and All Others Similarly Situated and On Behalf of the General Public, Pitf. vs. Comcast of Alameda, Inc., et al. including Comcast of Marin I, Inc., Dfts.

DOCUMENT(5) SERVED:

Summons, Complaint, Attachment(s), Amended Cover Sheet, Stipulation Form(s),

Affidavit(s)

COURT/AGENCY:

Alameda County, Superior Court, CA Case # RG07355993

NATURE OF ACTION:

Class Action - Defendants intentionally impede their customers' access to the Blocked Applications by transmitting unauthorized hidden messages to the computers of customers who utilize such applications - Seeking that the court preliminarily and permanently enjoin defendants from conducting their businesses through the unlawful, unfair or fraudulent business acts or practices, untrue and misleading advertising and other violations of law described in the complaint

ON WHOM PROCESS WAS SERVED:

C T Corporation System, Los Angeles, CA

DATE AND HOUR OF SERVICE:

By Process Server on 11/15/2007 at 14:45

APPEARANCE OR ANSWER DUF

Within 30 days after service

ATTORNEY(S) / SENDER(S):

Mark N. Todzo

Lexington Law Group, LLP 1627 Irving Street San Francisco, CA 94122 415-759-4111

ACTION ITEMS:

Telephone, Rosemarie Pierce , 215-640-7016 SOP Papers with Transmittal, via Fed Ex Standard Overnight , 798311068560

SIGNED: PER: ADDRESS:

C T Corporation System Nancy Flores 818 West Seventh Street Los Angeles, CA 90017 213-337-4615

TELEPHONE:

Page 1 of 1 / VI

information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

SUMMONS (CITACION JUDICIÁL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

COMCAST OF ALAMEDA, INC.; Additional Parties Attachment Form is attached.

YOU ARE BEING SUED BY PLAINTIFF; (LO ESTÁ DEMANDANDO EL DEMANDANTE): JON HART, On Behalf of Himself and All Others Similarly Situated, and On Behalf of the General Public

FOR COUNT VER CHEY BOLD PARA LED DE LA CORTE

ALALEDA COLLET

NOV 1 3 2007

ZERK OF THE BUPERIOR COURT By Touba Peny, French

You have 30 CALENDAR DAYS after life summons and legal gapets are served on you to five a written associated life court and have a court to have plaintiff. A tetter of plane cell will not properly do. Your written response ment be to proper legal form if you want the court to have your case. There may be a court from that you want the information at the California Courts United Self-Help Carder provided the court of pour properly of properly live liberally on the court of the court

information at the California Gounta Girline Salf-Heip Cardar (was the countried on gountalized), your gount is the season you. If you cannot pay the filling fee, ast the countries for a the season from . If you do not the year of the care by the fact, and you do not the year of the care by the fact, and you in country wants of the care by the fact, and you do not the year of the care are offer the part entering and the year of the care and of the care and the care of the care and the care of
Tigne 30 DIAS-DE CALENDARIO después de que le impregnar este Chairin y populais legates para para este este corte y havai que se entraços una croite el demendaria, tina centre e una Riccuria Republica el la feria de la procesa este en la corte. La popula en procesa el carro en la corte. La popula procesa el carro en la corte. La popula en procesa en la corte y más informacia en el California (mais contratto carrontella el parado parado, en la bibliolaca de la corte y más informacia en el California (mais contratto carrontella el parado parado per la corte y más informacia en el California (mais procesa contratto en la popula de procesa parado per la corte y más informacia en el California (mais parado per la corte de procesa de corte y más informacia en el California (mais procesa de corte y más informacia en el California de corte de corte y más informacia en el Calendario (mais parado per la corte de corte y más informacia de corte de corte de corte y más informacia en el California (mais procesa de corte de corte y más informacia en el Calendario (mais parado per la corte de corte y más informacia en el Calendario (mais per la corte de corte y más informacia en el Calendario (mais per la corte de corte y más informacia en el Calendario (mais per la corte de corte y más informacia en el Calendario (mais per la corte de corte y más informacia en el Calendario (mais per la corte de corte y más informacia en el Calendario (mais per la corte de corte y más informacia en el Calendario (mais per la corte de corte y más informacia en el Calendario (mais per la corte de corte y más informacia en el Calendario (mais per la corte de corte y más informacia en el Calendario (mais per la corte de corte d

The name and addition of the court is: (El nombre y dirección de la corte es): Alameda County Superior Court

Rene C. Davidson Alameda County Courthouse

1225 Failon Street, Oakland, CA 94612

The name, address, and telephone number of pisinth's atterney, or plainth's without an atterney, is:
(El nombre, is discoión y al número de telefone del abogado del demendante, o del demendante que no tiene abogado,
Mark N. Todzo

DATE: (Feathe)	NOV	13.7	M7	Pat S. Sweet	Clark, by	est in the	Notice Porty	Deputy
(For proof Para pru	Of BOVINGO	raf ithiri w	seja alletjās i tannons, tis	upe el fomulado presu Heers obidiumol le sav	mmona nom P(98-010).j	ron.	(Adjunto)
GREATI		•		en an Individual delend	(VED: You are a ant	Brved		
	•		.[sa the person sued the				1.43
: 			3. LXZ	on behalf of (spacify)	Comca	st \$ 1	Narin I,	The
	•		unden	CCP 418:10 (c	Orporetten)	a e Valid	CCP 418.80 (m/m CCP 418.70 (oct	erell
				The contribution (9	en octobrou, of bou	nembp)	**************************************	cuised betacu) (etaspe)
			4 🗀 t	other (specify): by personal delivery on	(date): ./	r.67		

Forp Advoted for Heredeny Use Jurisial Gogani of Calibria SQM-100 [Rév. January 1, 2004]

SUMMONS

A WoltersKluwer Company

Service of Process Transmittal

11/16/2007

CT Log Number 512797138

TO:

Rosemarie Pierce

Comcast Corporation 1500 Market Street, 35th Floor Philadelphia, PA 19102-2148

RE:

Process Served in California

FOR:

Comcast of Fresno, Inc. (Domestic State: CA)

ENGLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:

Jon Hart, On Behalf of Himself and All Others Similarly Situated and On Behalf of the General Public, Pttf. vs. Comcast of Alameda, Inc., et al. including Comcast of Fresno,

DOCUMENT(5) SERVED:

Summons, Complaint, Attachment(s), Amended Cover Sheet, Stipulation Form(s),

COURT/AGENCY:

Alameda County, Superior Court, CA Case # RG07355993

NATURE OF ACTION:

Class Action - Defendants intentionally impede their customers' access to the Blocked Applications by transmitting unauthorized hidden messages to the computers of customers who utilize such applications - Seeking that the court preliminarily and permanently enjoin defendants from conducting their businesses through the unlawful, unfair or fraudulent business acts or practices, untrue and misleading advertising and other violations of law described in the complaint

ON WHOM PROCESS WAS SERVED:

C T Corporation System, Walnut Creek, CA

DATE AND HOUR OF SERVICES

By Process Server on 11/15/2007 at 14:45

APPEARANCE OR ANSWER DUE:

Within 30 days after service

ATTORNEY(S) / SENDER(S):

Mark N. Todzo

Lexington Law Group, LLP 1627 Irving Street San Francisco, CA 94122 415-759-4111

ACTION ITEMS:

Telephone, Rosemarie Pierce , 215-640-7016 SOP Papers with Transmittal, via Fed Ex Standard Overnight , 798311068560

SIGNED:

PER: ADDRESS: C T Corporation System

Nancy Flores 818 West Seventh Street Los Angeles, CA 90017 213-337-4615

TELEPHONE:

Page 1 of 1/VI

Information displayed on this transmittel is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

11.1087 2745p

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

COMCAST OF ALAMBDA, INC.; Additional Parties Attachment Form is attached.

YOU ARE BEING SUIED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE): JON HART, On Behalf of Himself and All Others Similarly Situated, and On Behalf of the General Public SUM-109

FOR COUNTY SECULY FOLD PARA USO DE CA CORTE

ERD STREET

NOV 1 3 2007

PLEAK OF THE SUPERIOR COURT

You have 30 CALENDAR DAYS after this summons and legal papers are served on you're file a written marphress this court and have a copy served on the pullent. A letter or phone cell will not protein you. Your whiten couplines must be in proper legal form if you went the court to hear your case. There may be a count from that you can use for your response. You see that have countforms and mark instances on the California Counts United Ballion Carety (weak.counting.cu. 30 stantingly, your county for things, at the doubtloose loss the count of the grow wages, many, and second micross the classes from . If you do not like your supposes on also you may

information at the California Counts Unities Self-Help Cauter (ensuscentriates on proceedingly), your county for the new many makes (your process). If you county pay the filling tae, sait the count clark for a file eleptor from: If you go not the process on all of your maps, and properly only be before without from the your maps are not all of your maps.

There are noted larget recommendate. You they want to said an externey light event, if you do not among all of your maps as a said of your county and the said of your county from the said as a said of your county for the program. You call becaute these domprofit process at the California Said Help County for California governments as a said of the California County California Said Help County for call of the California.

Tipre 50 DLMS-DE CALLEMANIO después de que le infragram este cliente y papiese logales pais presentar infrasponte per estation de contra y bacel que se entrata el les colet el tamandente. Une certe o una minimidificación de la protegion. Su responte per estatio desse que entre en una minimidificación de la protegion. Su responte per puede una minimidificación de la protegion de l

Hay dece reputation impaire. The recommendation of the cords is private cycles are secured and page of clients. Since presents that december impaire i

The name and address of the count is: (El nombre y direction de la come es):

Alameda County Superior Court

Rene C. Davidson Alameda County Courthouse

1225 Fallon Street, Oakland, CA 94612

The name, address, and telephone number of paintiff's attempt, or plaintiff without an attempt, is:

(El numbre, is, disaction y el numero de telefone del abogado del domandaria, o del demandaria que no llene abogado, astr.

Marik IV. Todzo

Lexington Law Group, LLP, 1627 Irving Street, San Francisco, CA 94122

DATE: (Fechs)	NOV	1 3 2007	TATAL YUERIAN.	left, by	Belia Parry	Departe
(For proof	CF-BANKING.	that plumman	use Proof of Soulce of Bomin	one libra POS-01A)	18.	(Actionic
	sos de sila	- E il Althibli	NA MINE DE EXPLICACION DE PRESENTANT PAR SEA	the first and the same of the	O)):	: .
(SEAL)	•	110	TO THE PERSON SERVE	Di You alto succeso .		
٠ .		2.	as the person sued under the	re fictilious name of especify	k	
· 			•		And the State of t	114
ļ		3. 👿	on behalf of (specify):	omcast of Fo	25.00.T	*
,	•	Line	er LXL CCP 418:10 (corpo	milian)	TED 450 ON THE LINE	
•			COP 416.20 (Gelin	of composition)	CCD 448 76 feet 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	
•			COL + IS well sessoo	lation or partnership)	OCF 416.90 (outforized	pacion)
	·····	—— (—	other (specifi): by personal delivery on (date	" Hiran		:
			removed out land	" (1\1\1\1\1\1\1\1\1\1\1\1\1\1\1\1\1\1\1\		

Form Adopted for Manufactory Uses Juneal County of California SUR-100 (Riv. Japanes & Torse

SUMMONS

Control Chall Processing Mrs (2.2), 444

COPY

3Y FAX

ILE BY E

A Wolterskluwer Company

Service of Process **Transmittal**

11/16/2007

CT Log Number 512797149

TO:

Rosemarie Pierce

Comcast Corporation 1500 Market Street, 35th Floor Philadelphia, PA 19102-2148

RE:

Process Served in California

FOR:

Comcast of Sacramento II, LLC (Domestic State: CA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:

Jon Hart, On Behalf of Himself and All Others Similarly Situated and On Behalf of the General Public, Pltf. vs. Comcast of Alameda, Inc., et al. including Comcast of Sacramento II, LLC, Drts.

DOCUMENT(S) SERVED:

Summons, Complaint, Attachment(s), Amended Cover Sheet, Stipulation Form(s),

Affidavit(s)

COURT/AGENCY:

Alameda County, Superior Court, CA Case # RG07355993

NATURE OF ACTION:

Class Action - Defendants intentionally impede their customers' access to the Blocked Applications by transmitting unauthorized hidden messages to the computers of customers who utilize such applications - Seeking that the court preliminarily and permanently enjoin defendants from conducting their businesses through the unlawful, unfair or fraudulent business acts or practices, untrue and misleading add other violations of law dependants.

advertising and other violations of law described in the complaint

ON WHOM PROCESS WAS SERVED:

C T Corporation System, Los Angeles, CA

DATE AND HOUR OF SERVICE:

By Process Server on 11/15/2007 at 14:45

APPEARANCE OR ANSWER DUE:

Within 30 days after service

ATTORNEY(S) / SENDER(S):

Mark N. Todzo

Lexington Law Group, LLP 1627 Irving Street San Francisco, CA 94122 415-759-4111

ACTION ITEMS:

Telephone, Rosemarie Pierce , 215-640-7016 SOP Papers with Transmittal, via Fed Ex Standard Overnight , 798311068560

SIGNED: ADDRESS:

C T Corporation System

Nancy Flores 818 West Seventh Street Los Angeles, CA 90017

TELEPHONE:

213-337-4615

Page 1 of 1/VI

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on cartified mall receipts confirm receipt of package only, not contents.

	Summons			SUM-100
•	(CITACION JUDICIAL)		POR COUNT HAVE OF THE COUNT HAVE OF THE COUNT HAVE OF THE COUNTY OF THE	ICO <i>RTED</i>
NOTICE TO DEFENDA	NT)	·		. 1
. (AVISO AL DEMANDA	20):	1	ENDSPA	10.80
is attached.	MEDA, INC.; Additional Parties Atta	chunent Form	712.2	
· i is susscied" " ` · · ·	• •		ALAMEDA CE	Eury.
	•	·]		
YOU ARE BEING SUED	BY PLAINTIFF;		NOV 1 3 21	007
(LO ESTÁ DEMANDAN	DO EL DEMANDANTE):	C.s	ERK OF THE BUPER	
and On Behalf of the C	f of Himself and All Others Similarly	Situated,	By Tunna Peny, D	PRICECAT
	ان د د ۱۹۹۵ ۱۹۹۱ ۱۹۹۱ ۱۹۹۱ ۱۹۹۱ ۱۹۹۱ ۱۹۹۱ ۱۹۹	• •••		senty .
Y				
cold spined on the bigidals	DA'ns after this estimate the and legal gapers are A letter or phone call will not protect you. Yo	served on you to like a	witten meponse et this o	ourt and hours
I THREE WALL BY NOT PROPERTY	hat the allegation as a	- The state of the Lates.		operations.
attoiney telorral service; if y	on common sport on approved, And their periods of the pr	Kawaji Kydu dō bot i la fôt lite secul almine	rione per attachney, volument	want to call an
Courte Online Solf-Help Con	y year reges, money, and property may be take framents. Year they want in tall an estormey eigh on channel reflect an attenday you may be eight so comproit groups it the California Legis Sark in fave woomton in a portsolladay, or by opinion	toer 1900 alle (eryo) le	marpolitonia.ciaj, ma C	ryrcea Lifernia
Tiene 30 DIAS DE CALEN	DARIO checoute de destación de la companya de la co	enel fon som colle	on compatible association.	
GAT WARE COTTE Y NACOT GUY SO	DARIO despude do qui locofficione escu chest latingue une copie el damantente. Une carte maio logal carrecto el deven quo processo su a la Precio anconter estos fonuntarios de la cor	or y papales sopulas pe Sona Namatia bajeliosis	li il primaritar i mar recipiosa; Il maria di mariano di maria	M por excello
puede tour pere su respuest	riado especialmento di desembario processo sui d L. Puedo especialmento formalario de la cor gontestine prespecti, en la bibliotora de trom	ace on le corte. La po-	atile din pala nu taning	LO GRE TIETEG.
pure pager is tuote de pro-	- Preco encontra estas formularios de la cor garácalheipiespanoli, en la libilataca de layer entación, pida el escretario de la corio que la ci	ce un équique e en y	n este die jé téngeriés de l	## Corte# de
en respueste a fiempo, pued	becase of more bet justicity de la court district	CONTRACTO OF SOCIETY AND SOCIETY OF SOCIETY	nción de pago de cucios.	Si no presente
estates de tétalales à spons	III. Pa recomentable que libra a un abagado l dob. Si da galada capara un abagado en alcala	specience at m	COMPCE à un ebogado, pia	Moderne s (m
Program Land Survivies An	goviestine prespanell, en la biblioteca de hipe entration, pide al escretorio de la curio que la ci- perder el cusco por incleapapapapa y la corte la la. En l'eccomencia pie que litera e una abogacia la dob. El les prises papay e las abbjantes, se garalla lines de sensicios inglase allo llas e un lacco. Par la comencia de la completa de l'acción de ligrad.	ich bichipar anter bi	recorded para phiener of	Widting
(WWW.Colstinity.co.gov/sell):e	es executor aguações an Abes de la April. Por vector de la April de la Contra de April (desposos) e pontáciques en colocido sobjeto a porta de la Contra del Contra de la Contra del Contra del Contra de la Contra de la Contra del Contra de la Contra de	e de les Cortos de Cali 21 a de Colonio mada	Portote Macking Angelogy	
I THE THEM THE STILL BOTTOM AS OF THE	CONT NO			
(El nombre y dirección de le e	oris es]:	CAME!	073	5993
Alameda County Superi Rene C. Davidson Alam	of Court		- 40 'A' (10's	0000
1225 Fallon Street Oak	and CA 94612	•		:
I Tier (ME/TIES, Medicinetes), somet tericon	termin manufacture and adaptive and a second	Withhelt an otherwork	• ,	· : . ~
Mark N. Todzo	juneto, de tejejano dej spedago dej demanga, muto turninas os bisilbists kristuali os bisilitas.	rio, o del demande la	Que no Bene aborado, e	naki .
Lexington Law Grom, L	LP. 1627 Irving Street, San Francisco	เพิ่ม ค.ศ. ๆ		
DATE	and a series of pumping the section	4 CA 34122	There Perry	
Featur NOV 13.70	7 Par S. Sweeten (Secol			, Cepuly
For proof of service of this sun	THE PLANT OF STANCE OF WHATHAM IS	27 DOG 040		(Adjunio)
Para prueba de entrega do es	is common that at boundaries stated by Salvies a	i Rummane 1220 bish	(0)).	: .
ueay .	NOTICE TO THE PERSON SERVED: You	Povies ens		•
	2. as the femalif stied those the field	lous dăme of fanacity	1	-
	3. W on behalf of specifit	L D C	L. Merid	ر از
	under DCP 418.10 (composition)	so or sacto	mento II)	- <u></u> -
}	CCF 416.20 (defunct corp		CCP.418.80 (mirror)	*
	CCP 415.40 (association)	or partnership	OCP 418.70 (odusevan CCP 416.90 (eutriorized	(Maniani)
:	Gifter (specific)	<u> </u>	· AA. AIAMA (MEHIIIX)	heurou)
	by personal delivery on (date):	/		
ern Admind for Mendelog Use Justice Count of California				Reger of f
LM-100 (Rev. Assesses C 2004)	GIÚITEALA		Code of Chall Program	M # 417.20, 445

A WoltersKluwer Company

Service of Process Transmittal

11/16/2007

CT Log Number 512797158

TO:

Rosemarie Pierce Comcast Corporation

1500 Market Street, 35th Floor Philadelphia, PA 19102-2148

RE:

Process Served in California

FOR:

Comcast of San Leandro, Inc. (Domestic State: CA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:

Jon Hart, On Behalf of Himself and All Others Similarly Situated and On Behalf of the General Public, Pltf. vs. Comcast of Alameda, Inc., et al. including Comcast of San

Leandro, Inc., Dfts.

DOCUMENT(5) SERVED:

Summons, Complaint, Attachment(s), Amended Cover Sheet, Stipulation Form(s),

Affidavit(s)

COURT/AGENCY:

Alameda County, Superior Court, CA Case # RG07355993

NATURE OF ACTION:

Class Action - Defendants intentionally impede their customers' access to the Blocked Applications by transmitting unauthorized hidden messages to the computers of customers who utilize such applications - Seeking that the court preliminarily and permanently enjoin defendants from conducting their businesses through the unlawful, unfair or fraudulent business acts or practices, untrue and misleading advertising and other violations of law described in the complaint

ON WHOM PROCESS WAS SERVED:

C T Corporation System, Los Angeles, CA

DATE AND HOUR OF SERVICE:

By Process Server on 11/15/2007 at 14:45

APPEARANCE OR ANSWER DUE:

Within 30 days after service

ATTORNEY(5) / SENDER(5):

Mark N. Todzo

Lexington Law Group, LLP 1627 Irving Street San Francisco, CA 94122

415-759-4111

ACTION ITEMS:

Telephone, Rosemarie Pierce , 215-640-7016 SOP Papers with Transmittal, via Fed Ex Standard Overnight , 798311068560

SIGNED: ADDRESS:

C T Corporation System Nancy Flores 818 West Seventh Street Los Angeles, CA 90017 213-337-4615

TELEPHONE-

Page 1 of 1/VI

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

SUMMONS (CITACION JUDICIAL) NOTICE TO DEFENDANT: ANYSO AL DEMANDADO): COMCAST OF ALAMEDA, INC.; Additional Parties Attachment Form is stached. Set stacked. ONLY 1 3 2607 YOU ARE BEING SUED BY PLAINTIFF. (LO ESTA DEMANDANDO EL DEMANDANTE): ION HART, On Behalf of Hunself and All Others Similarly Situated. The Design of the General Public You have 30 CALERDAR DAYS after tills surmisons and logil japons are served anyonin to be a written-emplorated this court and copy served on the plaintiff. A teste or phone self-will replece the self-will replece the plaintiff, a teste or phone self-will replece the self-will replece the plaintiff. A teste or phone self-will replece the self-will replece the first public of the court in the plaintiff. A teste or phone self-will replece the will replece the plaintiff of the Court in the self-will replece the self-will replece the first public of the court in the plaintiff. A teste or phone self-will replece the self-will replece the replece the plaintiff of the plaintiff of the first public of the court in the plaintiff. Self-will replece the plaintiff of the grant for the court in the plaintiff of the first public of the court in the plaintiff of the first public of the court in the plaintiff of the first public of the court in the plaintiff of the plaintiff of the first public of the court in the plaintiff of the plaintiff of the first public of the court in the plaintiff of the first public of the court in the plaintiff of the plaintiff of the first public of the court in the plaintiff of					
NOTICE TO DEPENDANT: ANYSO AL DEMANDADOD: COMCAST OF ALAMEDA, INC.; Additional Parties Attachment Form is strached. NOV 1 3 2607 YOU ARE BEING BUED BY PLAINTIFF: (I.O ESTA DEMANDANDO EL DEMANDANTE): ION HART, On Behalf of Hunself and All Others Similarly Situated, and On Behalf of the General Public You have 30 CLIENCAR DAYS after the summand and light japanesses served on your to the summandant of the Control of the Co	· ,	SUMMONS		#6 #60	di l'allime vittle au e e
ANYSO AL DERMANDADO; COMCAST OF ALAMEDA, INC.; Additional Parties Attachment Form is attached. NOV 1 3 2607 YOU ARE BEING BUED BY PLAINTIFF; (LO ESTA DEMANDANDO EL DEMANDANTE); JON HART, On Behalf of Himself and All Others Similarly Simpted, and On Behalf of the General Public Vou have 30 CALBUAR DAYS after tills suminine and legal japanesses served arrests for a withon established and correct of the Calburgh Company of the Calbu	いろげただ マム ユー	FOLIMOION JULICIAL)	•]	
COMCAST OF ALAMEDA, INC.; Additional Parties Attachment Form is attached. YOU ARE BEING BUED BY PLAINTIFF: (LO ESTA DEMANDANDO EL DEMANDANTE): JON HART, On Behalf of Himself and All Others Similarly Simpted, and On Behalf of the General Public You have 30 GALEMAR DA'S after tile summing and legal japane are served crayer in the parties of the General Public You have 30 GALEMAR DA'S after tile summing and legal japane are served crayer in the parties of the grant of grant of the	(AVISO AL DEN	enliart: Zádagol	•	74	
YOU ARE BEING BUED BY PLAINTIFF: (LO ESTA DEMANDARDO EL DEMANDANTE): (CO HART, On Behalf of the General Public Von Ihart, On Behalf of the General Public You have 30 GALBERAR DA'B after tips summins and ingel japons an secretal crystal for a suffine captions sit fishe count and copy served on the plaintiff. A letter or phone set will not higher yet within supplies to a suffine captions sit fishe count and copy served on the plaintiff. A letter or phone set will not higher yet yet reagons. Not pass after tips supplies and or copy served on the plaintiff. A letter or phone set will not yet yet yet reagons. Not pass after tips supplies and or copy served on the plaintiff. A letter or phone set will not yet yet yet reagons. Not pass after tips to supplie from it yet information on the California Corum Anthree Set which the count of the tips of yet pass and the county feet the tips of the plaintiff. A letter or phone is plaintiffered to the county of the supplies of the county of the supplies of the county of the supplies of	COMCASTOR	Al AMEDA DIO: Assessing		1 22	D2002 v
VOU ARG BEING BUED BY PLAINTIFF: (LO ESTA DEMANDANDO EL DEMANDANTE): JON HART, On Behalf of Himself and All Others Similarly Situated, and On Behalf of the General Public Von have 30 CALBEDAR DAYS after tills summires and legal japanes are served on you're the summires extend only a level public for the great of the control of the c	. is strached.	ACCUMINATION, MICH, ACCUMONS PR	itues Attachment Form	2: 2: 2:	
(LO ESTA DEMANDANCO EL DEMANDANTO: IN HART, On Behalf of the General Public You have 30 GALBERAR DAYS after tills surmions and leggl inspers an served surpair to the a written analysis capt copy derived on the platetit. A letter of plane and of the process of the forest written inspection class is to proper implication of the platetit. A letter of plane and of the process of the forest written inspection class is to proper implication and the platetit. A letter of plane and of the process of the forest copy derived on the platetit. A letter of plane and of the process of the copy of the plane of the process of the copy of the plane		•			
(LO ESTA DEMANDANCO EL DEMANDANTO: IN HART, On Behalf of the General Public You have 30 GALBERAR DAYS after tills surmions and leggl inspers an served surpair to the a written analysis capt copy derived on the platetit. A letter of plane and of the process of the forest written inspection class is to proper implication of the platetit. A letter of plane and of the process of the forest written inspection class is to proper implication and the platetit. A letter of plane and of the process of the forest copy derived on the platetit. A letter of plane and of the process of the copy of the plane of the process of the copy of the plane				NU	N i a coor
SON HART, On Behalf of the General Public Ton have 30 CALENDAR DAYS after title summers and legal japaness as served on you to be a written established. A letter or phone sold will not protectly the Your written passpines count to in proper legal form 3 you are county to pass your coan. They may be a least for this you can be a passpine count to in proper legal form 3 you are authorized on the palartin. A letter or phone sold will not protectly the Your written passpines count to in proper legal form 3 you are according to the California Count Andian Best Help Cacher personaceurantee an approximant. This pass source to pass the first personal countries an object to the proper legal form 3 you are according to the California Count Andian Best Help Cacher personaceurantee an approximant of the protection of the passpines and single seasons all the countries of the passpines of the passpines and the country of the first for the season of the passpines of the pass	YOU ARE BEING	SUED BY PLAINTIFF;			-
You have 30 CALBROAR DAYS after the summinion and legal papers are served encrosed by a summinion and palentin. A letter or plane self will not protect y the your response to the palentin. A letter or plane self will not protect y the your response. The palentin. A letter or plane self will not protect y the your response. The palentin Courts and the palentin Courts and the palentin. A letter or plane self-will present courts of the palentin Courts and the palentin court to the court of the your court to put the filling the set fill present present courts. The palentin palentin courts and the court court for the palentin of the court by the filling the set fill present court to the court by the court palentin filling the set fill present courts of the court of the court by the court of the court by the court of the court of the court by the court of t	JON HART OF	NUANCO EL DEMANDANTE): Dahalfos Viscous en l'association		PLERK OF TH	ES Papus s
You have 30 CALESTOAR DAYS after tills summissen and legis japares an served or year to fire a written majorase if file court and copy derived on the planetit. A letter or phone cell will not proved by your worked experience cause to in proper legis form 3 your as and copy to hear your ceas. These may be a court form fire too con use for your worked and copy in the court form and drags subtramation as the cells from the self-indicental procession on the Cells court of courts of the cells court form and drags seamed you. If you coined pay the filing the set file court fort for other sphared and in the procession of the cells of the filing the set file court fort for other sphared legislation of the cells of the filing the set filing the set of the filing the cells of the cells of the planetity of the cells of the	and On Behalf of	fine General Bublis	Similarly Situated,	Ey Tunh	a Penting
services of the process. They may be a court from find you can use the your responses. You can had show court from and may be accorded to the process of th		. me. Cancilli P (101)	ed segular		Line swell
services of the process. They may be a court from find you can use the your responses. You can had show court from and may be accorded to the process of th		<u> </u>	· · · ·		
services of the process. They may be a court from find you can use the your responses. You can had show court from and may be accorded to the process of th	You have 30 CAL	SROAR DAYS after Bills sunshing and legal	papers:are served on you'to	for and the real	Margar S.L. Sarah
review and poster regulal interferements. You was also an experience of the control of the contr	loformation at the C	Miss There may be a court form that you cal	a nee tot hom techanor Ad	i kasi gasa masa san miseri ma ili bilah	er angol Forms If you a let forms and mo-
review and poster regulal interferements. You was also an experience of the control of the contr	Harred you, If you	caused but the spirit he set the composite	PACOCHITHIO CA GOIGH THE D	Year groundy lave to	ary, or the south
There 30 Dills Die CALEMINARIO charpeds de gias indiretagnes acid activités y popular ingular pairs presenter amin'esquiente più es on este o treta y heart que se este activa en formati application de desandante, the centre o une himmati hipficifica de los popularies. All y majoritis que present activa en formati application con de desandante, the centre o une himmati hipficifica de los popularies. Paredo consultar entre formations de la contra y más information en un Centro de Apide de la contra present activamente de activamente de la contra presentation capamiente. Apide de la contra presentation en un centro de Apide de la contra presentation en un centro de Apide de la contra presentation in the presentation. Pared a secretario de la contra que de se contra que si quede crista circus. Al se presentation regional de presentation, picha el aperturo de la contra que de secretario de la contra que de secretario de presenta de la presentación, picha el aperturo de la contra contra de la contra de la contra de la presenta de la presentación	There are other in	cal manufactures, morey, independent	Ray be been without further	Assuring tentral per c	reported on this you
There 30 Dills Die CALEMINARIO charpeds de gias indiretagnes acid activités y popular ingular pairs presenter amin'esquiente più es on este o treta y heart que se este activa en formati application de desandante, the centre o une himmati hipficifica de los popularies. All y majoritis que present activa en formati application con de desandante, the centre o une himmati hipficifica de los popularies. Paredo consultar entre formations de la contra y más information en un Centro de Apide de la contra present activamente de activamente de la contra presentation capamiente. Apide de la contra presentation en un centro de Apide de la contra presentation en un centro de Apide de la contra presentation in the presentation. Pared a secretario de la contra que de se contra que si quede crista circus. Al se presentation regional de presentation, picha el aperturo de la contra que de secretario de la contra que de secretario de presenta de la presentación, picha el aperturo de la contra contra de la contra de la contra de la presenta de la presentación	military referral ser	ice. I you canner afford an attorney you a	Marney dolt away. If you do	et kriser en ation	197: YOU may want to
There 30 Dills Die CALEMINARIO charpeds de gias indiretagnes acid activités y popular ingular pairs presenter amin'esquiente più es on este o treta y heart que se este activa en formati application de desandante, the centre o une himmati hipficifica de los popularies. All y majoritis que present activa en formati application con de desandante, the centre o une himmati hipficifica de los popularies. Paredo consultar entre formations de la contra y más information en un Centro de Apide de la contra present activamente de activamente de la contra presentation capamiente. Apide de la contra presentation en un centro de Apide de la contra presentation en un centro de Apide de la contra presentation in the presentation. Pared a secretario de la contra que de se contra que si quede crista circus. Al se presentation regional de presentation, picha el aperturo de la contra que de secretario de la contra que de secretario de presenta de la presentación, picha el aperturo de la contra contra de la contra de la contra de la presenta de la presentación	Goods Cinitis Salt in	rete these comprofit groups at the California	Logal Sarvicia (156 alla (1		mour legal nelylcol Right the Cillians
California prospersormants carportate this executive and formulative de la corte y mais information as a Centro de Aprila de las Carte grands proper la recordant al support in contra que la decide mine china. Il product proper la recordant al support in contra que la decide mine china. Il product properties de properties de la corte que la decide mine china. Il product properties de production de la corte que la decide mine china. Il product production de production de la corte que la decide mine china. Il production de remaining designation de production de remaining designation. El production de mineral de remaining de supportate de la corte que la decide mineral de remaining de supportate de la corte de remaining de supportate de la corte de remaining contrate de la corte de servicion de production de la corte de servicion de servicion de production de la corte de servicion de la corte de servicion de la corte del la corte de la	Town as The as	A CONTRACTOR OF THE PROPERTY O	or an engine life Applications	out or county bir.	SERVICION.
California prospersormants carportate this executive and formulative de la corte y mais information as a Centro de Aprila de las Carte grands proper la recordant al support in contra que la decide mine china. Il product proper la recordant al support in contra que la decide mine china. Il product properties de properties de la corte que la decide mine china. Il product properties de production de la corte que la decide mine china. Il product production de production de la corte que la decide mine china. Il production de remaining designation de production de remaining designation. El production de mineral de remaining de supportate de la corte que la decide mineral de remaining de supportate de la corte de remaining de supportate de la corte de remaining contrate de la corte de servicion de production de la corte de servicion de servicion de production de la corte de servicion de la corte de servicion de la corte del la corte de la	CUS GRANN GOLDS A WEDN	CACCALDIUUC dargasig da que le impragues Guy na amagami um conta el damaginos	este Chatron y pupales lega	ing pain propertur	ima verpoests por e
California prospersormants carportate this executive and formulative de la corte y mais information as a Centro de Aprila de las Carte grands proper la recordant al support in contra que la decide mine china. Il product proper la recordant al support in contra que la decide mine china. Il product properties de properties de la corte que la decide mine china. Il product properties de production de la corte que la decide mine china. Il product production de production de la corte que la decide mine china. Il production de remaining designation de production de remaining designation. El production de mineral de remaining de supportate de la corte que la decide mineral de remaining de supportate de la corte de remaining de supportate de la corte de remaining contrate de la corte de servicion de production de la corte de servicion de servicion de production de la corte de servicion de la corte de servicion de la corte del la corte de la		A	- Chief Calcie & Chief Williams British	PORCE DE lo protes	1812. All rimbonido a
production of the production of the count of	SSCIED FORG QUE OU	n en sorman legal correcto el desem gra pr	COPPERT SCI CORD AN AN COLOR.	أسنة ونوم علاقت والأ	4 10 3
Institute (presentation) de ses programes de servicion ingulare ser alches in servicio que en compara presenta per especiales para especiales comparativos de presentativos de p	Andrew Control of the Control	MACHERY LANGO CHACUSAL CALOR (CUMPIN)	DE De la Corte y más influenc	the se of Party of	M. Attacker with the state of
Institute (presentation) de ses programes de servicion ingulare ser alches in servicio que en compara presenta per especiales para especiales comparativos de presentativos de p	Andrew Control of the Control	MACHERY LANGO CHACUSAL CALOR (CUMPIN)	DE De la Corte y más influenc	the se of Party of	M. Attacker with the state of
The name and address of the court is: (El nombre y dirección de le coris est: Alameda County Superior Court Rens C. Davidson Alameda County Courthouse 1225 Fallon Street, Oakland, CA 94612 The name, address, and telephorie number of policiffs pitomer, or plabitiff without an estomer, is: El nombre, is diseactor y el número de policiffs pitomer, or plabitiff without an estomer, is: El nombre, is diseactor y el número de policiffs pitomer, or plabitiff without an estomer, is: El nombre, is diseactor y el número de policifica pitomer, or plabitiff without an estomer, is: Marik N. Todzo Lexington Law Group, LLP, 1627 Irving Street, San Francisco, CA 94122 DATE: (Factor) NOV 13 2007 Pat S. Synecton Francisco, CA 94122 DATE: (Factor) NOV 13 2007 Pat S. Synecton Francisco, CA 94122 Desprisación For proof di service of this attenuous, use Proof of Sealce di Summans porm POS-010). (Factor proof di service of this attenuous, use Proof of Sealce di Summans porm POS-010). (Factor proof di service of this attenuous, use Proof of Sealce di Summans porm POS-010). (Factor proof di service of this attenuous, use Proof of Sealce di Summans porm POS-010). (Factor proof di service of this attenuous, use Proof of Sealce di Summans porm POS-010). (Factor proof di service of this attenuous, use Proof of Sealce di Summans porm POS-010). (Factor proof di service of this attenuous, use Proof of Sealce di Summans porm POS-010). (Factor) In a se an individual detendant 2.	Andrew Control of the Control	MACHERY LANGO CHACUSAL CALOR (CUMPIN)	DE De la Corte y más influenc	the se of Party of	M. Attacker with the state of
The name and address of the court is: (El nombre y dirección de le coris est: Alameda County Superior Court Rens C. Davidson Alameda County Courthouse 1225 Fallon Street, Oakland, CA 94612 The name, address, and telephorie number of policiffs pitomer, or plabitiff without an estomer, is: El nombre, is diseactor y el número de policiffs pitomer, or plabitiff without an estomer, is: El nombre, is diseactor y el número de policiffs pitomer, or plabitiff without an estomer, is: El nombre, is diseactor y el número de policifica pitomer, or plabitiff without an estomer, is: Marik N. Todzo Lexington Law Group, LLP, 1627 Irving Street, San Francisco, CA 94122 DATE: (Factor) NOV 13 2007 Pat S. Synecton Francisco, CA 94122 DATE: (Factor) NOV 13 2007 Pat S. Synecton Francisco, CA 94122 Desprisación For proof di service of this attenuous, use Proof of Sealce di Summans porm POS-010). (Factor proof di service of this attenuous, use Proof of Sealce di Summans porm POS-010). (Factor proof di service of this attenuous, use Proof of Sealce di Summans porm POS-010). (Factor proof di service of this attenuous, use Proof of Sealce di Summans porm POS-010). (Factor proof di service of this attenuous, use Proof of Sealce di Summans porm POS-010). (Factor proof di service of this attenuous, use Proof of Sealce di Summans porm POS-010). (Factor proof di service of this attenuous, use Proof of Sealce di Summans porm POS-010). (Factor) In a se an individual detendant 2.	Andrew Control of the Control	MACHERY LANGO CHACUSAL CALOR (CUMPIN)	DE De la Corte y más influenc	the se of Party of	M. Attacker with the state of
The name and address of the court is: (El nombre y dirección de le coris est: Alameda County Superior Court Rens C. Davidson Alameda County Courthouse 1225 Fallon Street, Oakland, CA 94612 The name, address, and telephorie number of policiffs pitomer, or plabitiff without an estomer, is: El nombre, is diseactor y el número de policiffs pitomer, or plabitiff without an estomer, is: El nombre, is diseactor y el número de policiffs pitomer, or plabitiff without an estomer, is: El nombre, is diseactor y el número de policifica pitomer, or plabitiff without an estomer, is: Marik N. Todzo Lexington Law Group, LLP, 1627 Irving Street, San Francisco, CA 94122 DATE: (Factor) NOV 13 2007 Pat S. Synecton Francisco, CA 94122 DATE: (Factor) NOV 13 2007 Pat S. Synecton Francisco, CA 94122 Desprisación For proof di service of this attenuous, use Proof of Sealce di Summans porm POS-010). (Factor proof di service of this attenuous, use Proof of Sealce di Summans porm POS-010). (Factor proof di service of this attenuous, use Proof of Sealce di Summans porm POS-010). (Factor proof di service of this attenuous, use Proof of Sealce di Summans porm POS-010). (Factor proof di service of this attenuous, use Proof of Sealce di Summans porm POS-010). (Factor proof di service of this attenuous, use Proof of Sealce di Summans porm POS-010). (Factor proof di service of this attenuous, use Proof of Sealce di Summans porm POS-010). (Factor) In a se an individual detendant 2.	California ferrénciose prode proper la cupto ao responser a sisem Ray étros response autricio de remairos legisles (residinos) de la California i estal com-	Anto-Caponizacija injector entra formulari Meto-Caponizacija injector entrativo de la co de presentacija, pida el ascretorio de la co de presentacija el capo per limitanti injector de logalisti. Tis recomenda pe que libra e su l'abrigados. El les puede pegar el mesbojan a programa de ascridire lagrica sur llose d	iad de le corte y más informe eca de layer de eu condida : ris que, le ciu formalerio di y la corte le un formalerio di y la corte le un fini galeir ni la eu gasable que cimigia co la forma. Puede encantes un la forma. Puede encantes un	irila es el Centro di rem le sorte que le o ulcanción de perio disella, illiere y la Blarg corioca e ins m les regulacios pe la propos en dise	ti Apinia de les Carlo Quede milis clime, il quede milis clime, il que destet. Il mo p entir sit milis il mo liberato, più de la ma la parte de la maria de la latera ha al artic
Celebrate y direction do to corte est: Alaureda County Superior Court Rene C. Davidson Alameda County Courthouse 1225 Failon Street, Oakland, CA 94612 The name, address, and telephore number of picipit's enomey, or pichitif without an entomoy, in: (## nombre, is directed yel numero de informa del abagado del demendante, o del demandante que notiene abayado, est! Mark N. Todzo Lexington Law Group, LLP, 1627 Irving Street, Santizancisco, CA 94122 DATE: (Factor proof of service of this summors, use Poof of Service of Summors (Dom POS 010)) (Pare proof of service of this summors, use Poof of Service of Summors (Dom POS 010)) (Pare proof of service of this summors, use Poof of Service of Summors (Dom POS 010)) (Pare proof of service of this summors, use Poof of Service of Summors (Dom POS 010)) (Pare proof of service of this summors, use Poof of Service of Summors (Dom POS 010)) (Pare proof of service of this summors, use Poof of Service of Summors (Pos 010)) (Pare proof of service of this summors, use Poof of Service of Summors (Pos 010)) (Pare proof of service of this summors, use Poof of Service of Summors (Pos 010)) (Pare proof of service of this summors, use Poof of Service of Summors (Pos 010)) (Pare proof of service of this summors, use Poof of Service of Summors (Pos 010)) (Pare proof of service of this summors, use Poof of Service of Summors (Pos 010)) (Pare proof of service of this summors, use Poof of Service of Summors (Pos 010)) (Pare proof of service of this summors, use Poof of Service of Summors (Pos 010)) (Pare proof of service of this summors, use Poof of Service of Summors (Pos 010)) (Pare proof of service of this summors, use Poof of Service of Summors (Pos 010)) (Pare proof of service of this summors, use Poof of Service of Summors (Pos 010)) (Pare proof of service of this summors, use Poof of Service of Summors (Pos 010)) (Pos 010) (Pos 01	California ferrénciose prode proper la cupto ao responser a sisem Ray étros response autricio de remairos legisles (residinos) de la California i estal com-	Anto-Caponizacija injector entra Romaduri Meto-Caponizacija injector entra je in libilitet de presentecija, pida el ascretorio de la co de presentecija el capo per kindempliolenia de logalesi. En recomendoj e que libina e ve l'abrigados. El ho presentagoja e en abriga e proprieta de ascricke lagidas estritués de	iad de le corte y más informe eca de layer de eu condida : ris que, le ciu formalerio di y la corte le un formalerio di y la corte le un fini galeir ni la eu gasable que cimigia co la forma. Puede encantes un la forma. Puede encantes un	irila es el Centro di rem le sorte que le o ulcanción de perio disella, illiere y la Blarg corioca e ins m les regulacios pe la propos en dise	ti Apinia de les Carlo Quede milis clime, il quede milis clime, il que destet. Il mo p entir sit milis il mo liberato, più de la ma la parte de la maria de la latera ha al artic
Rene C. Davidson Alameda County Courthouse 1225 Failen Street, Oakland, CA 94612 The name, address, and telephone number of picipilits attempt, or pichtist without an esterney is: (El numbre, se discolón y el número de inistena del abequato del demendante, o del demandante que no tiene abojecto, est. Marik N. Todzo Lexington Law Group, LLP, 1627 Irving Street, San Francisco, CA 94122 DATE: (Fachy) NOV 13 2007 Pat S. Souceton (Secretario) (Fac proof di senice of this summors, use Proof of Senice of Seminary (Postis)) (Fac proof di senice of this summors, use Proof of Senice of Seminary (Postis)) (Pare prueba de entrega de este altalido use el lomalajo Praof of Senice of Summons (Postis)) NOTICE TO 11/4 PERSON SERVED: You are served 1.	California producious poeda pagar la cupta ao hasponata a frança libra de la cupta del cupta de la cupta del cupta de la cupta de la cupta de la cupta de la cupta	indicate. Place avendra estas formulari letto-carporasellosipacpanello, en la bibliote de presentación, plán el secretario de la co- , prede perder el carco por brolometicolario. La legisladi. Partecomendo por seculidades en el designado. El les prodes esper e un abropa la programa de servicios ingleses ato indes cod., furnición del portecio a con la coloridade el sidne de apositivo en portecio en la folició de sidne de apositivo en portecion en folición	iad de le corte y más informe eca de layer de eu condida : ris que, le ciu formalerio di y la corte le un formalerio di y la corte le un fini galeir ni la eu gasable que cimigia co la forma. Puede encantes un la forma. Puede encantes un	irila es el Centro di rem le sorte que le o ulcanción de perio disella, illiere y la Blarg corioca e ins m les regulacios pe la propos en dise	ti Apinia de les Carlo Quede milis clime, il quede milis clime, il que destet. Il mo p entir sit milis il mo liberato, più de la ma la parte de la maria de la latera ha al artic
The name, address, and telephone number of picintiffs attorney, or pichitiff without an entomory, in: (## numbers, is discribe yet numero de telefono del abogado del demendante, o del deparamente que notiene aboptido, est. Marix N. Todzo Licxington Law Group, LLP, 1627 Irving Street, San Brancisco, CA 94122 DATE: (Factor) NOV 1 3 2007 Pat S. Syncetion (San Brancisco) (Factorio) (Factorio) (Factorio) (Factorio) (Factorio) (Factorio) (Factorio) (Factorio) (Factorio) (Factorio) (Factorio) (Factorio) (Factorio) (Factorio) (Factorio) (Factorio) (Factorio) (Factorio) (Factorio) (F	California peréprious prode pager la culpar la	interest. Place devolute estas formulari interestrativa place employe en la bibliote de presentación, place el acceptor o de la co- c, priede perder el cano por biological de la se ingulari. En locomenda pelar el biologica el programa. El las puede pelar en el biologica el programa de servicios ingular en la Cui- cia, farinizámino positivada en la colicia el dificultamento el participas en locica el dificultamento en participas en locica	iad de le corte y más informe eca de layer de eu condida : ris que, le ciu formalerio di y la corte le un formalerio di y la corte le un fini galeir ni la eu gasable que cimigia co la forma. Puede encantes un la forma. Puede encantes un	itida un el Centro di terri le spote que le consensión del piest dipilità, ilinarie y la lla rispessión de la risi la fira engulación pe de propios de dines la propios de dines	i Ajaris de las Con- quede más clicas, a de caoted. Al mo à casta sin mise leven respecto, plosto las respectos en el azio de lacro en el azio
The name, address, and telephone number of picintiffs attorney, or pichitiff without an entomory, in: (## numbers, is discribe yet numero de telefono del abogado del demendante, o del deparamente que notiene aboptido, est. Marix N. Todzo Licxington Law Group, LLP, 1627 Irving Street, San Brancisco, CA 94122 DATE: (Factor) NOV 1 3 2007 Pat S. Syncetion (San Brancisco) (Factorio) (Factorio) (Factorio) (Factorio) (Factorio) (Factorio) (Factorio) (Factorio) (Factorio) (Factorio) (Factorio) (Factorio) (Factorio) (Factorio) (Factorio) (Factorio) (Factorio) (Factorio) (Factorio) (F	California hardycour govels pager in pupor as responsts a disapple for pupor as responsts a disapple for the california california Lagrid Service constitute calgo in promo and address (El nombra y direction Alameda County	indo carporarella devolutar estas formulari indo carporarella pica estas per la biblica de presentacido, pica el acceptora de la co- o, presde perder el caro por lacionadoplera- se legados. En recomendo la que librar e un labogados. El las period pagar el calabóga la propisica de acretica laguales estritas el cira, la recipio de acretica la gril, en el Cuir de altre ples paración e ponicionas en total la diferio capar la: de la corte esj: Stoperior Court	iad de le corte y más informe eca de layer de eu condida : ris que, le ciu formalerio di y la corte le un formalerio di y la corte le un fini galeir ni la eu gasable que cimigia co la forma. Puede encantes un la forma. Puede encantes un	itida un el Centro di terri le spote que le consensión del piest dipilità, ilinarie y la lla rispessión de la risi la fira engulación pe de propios de dines la propios de dines	i Ajaris de las Con- quede más clicas, a de caoted. Al mo à casta sin mise leven respecto, plosto las respectos en el azio de lacro en el azio
Mark N. Todzo Lexington Law Group, LLP, 1627 Irving Street, San Figuresiano, CA 94122. DATE: NOV 13 2007 Pat S. Specetion (Secretaria) Clark by Charles NOV 13 2007 Pat S. Specetion (Secretaria) Clark by Charles Clark by Charles Construction Charles	California projectori prode programa in temporaria a fisaspo libro reporaria metricità de la california Legal Servi de securità de la california Legal Servi de securità de la california Legal Servi de securità de la california	indo carporatella parecipia estas formulari delo carporatella, pici el accepto de la co- ci prescipia. Paracomendo per induspisaciones es ingeles. Paracomendo per induspisaciones estas formulas de servicios ingeles estas indesa a programa de servicios ingeles estas indesa estas formulas indespositiones estas indesa cosa formulas indespositiones estas indesa of the court in de la corte estas Alameda County Courthouse	iad de le corte y más informe eca de layer de eu condida : ris que, le ciu formalerio di y la corte le un formalerio di y la corte le un fini galeir ni la eu gasable que cimigia co la forma. Puede encantes un la forma. Puede encantes un	itida un el Centro di terri le spote que le consensión del piest dipilità, ilinarie y la lla rispessión de la risi la fira engulación pe de propios de dines la propios de dines	i Ajaris de las Con- quede más clicas, a de caoted. Al mo à casta sin mise leven respecto, plosto las respectos en el azio de lacro en el azio
Lexington Law Group, LLP, 1627 Irving Street, San Francisco, CA 94122 DATE: Fractor: NOV 13 2007 Pat S. Specetion Claim, by Carlotterio. (Additional service of this summors, use Proof of Service of Summors (Service of Summors, (FGS-010)). Pare principal de entrega de este attailée use el formulario Prant of Setvice of Summors, (FGS-010)). NOTICE TO THE PERISON SERVISO: You are served. 1. as an individual defendant. 2. as the ferroir suited unique the fictions same of (specifig: under, Victorial Service). 3. IV on behalf of (specific Composition) CCP 418.80 (mirgor). CCP 418.10 (defende composition) CCP 418.70 (oderseystee).	California perspector govers pagar in cupora proposata a framp Hay-choos republica perspector de perspector de la California Legal Service constituto de la California Legal Service constituto de la California calgo in marme and addres (El nombra y dirección Alastreda County Rene C. Davidson 1225 Failon Stree	into carporate pareir, or to forming into carporate forming into carporate forming pareir, or to black of the presentación, pale el acceptado de la color pareiro personal pareiro de la color pareiro pareiro de la color del la color de la color de la color de la color del la color de la color de la color de la color del la	ind de le corte y más informa eco de layes de su condiçõe v de que le cit un formalisto d ry le corte le stedit apitar si: n abo pado l'arrivalmentarios. Lo, es pastido que cimbral co la seria. Produce accidence ad do po la reacta e al culturio e lito no e la corta e al culturio e	ition as at Cantro di territe spetia que le outenicitàri de gesti disetto, citacere y la 10 mg curioce primi en 11 mg curioce par insi- m fos regularios par tra graphe det dines regularios de cuentra creatistament	i Ajaris de las Con- quede más clicas, a de caoted. Al mo à casta sin mise leven respecto, plosto las respectos en el azio de lacro en el azio
DATE: (Feaths) NOV 13 2007 Pat S. Sweeten Clark, by (Four proof of service of this summors, use Proof of Service of Summors (Many POS-010)). (Pare proofs de entrege de only attelle use el lomulario Pract of Service of Summons, (PGS-010)). (Pare proofs de entrege de only attelle use el lomulario Pract of Service of Summons, (PGS-010)). (Pare proofs de entrege de only attelle use el lomulario Pract of Summons, (PGS-010)). (Pare proof of service of this summors, use Proof of Service of Summons, (PGS-010)). (Pare proof of service of this summors, use Proof of Service of Summons, (PGS-010)). (Pare proof of service of this summors, use Proof of Service of Summons, (PGS-010)). (Pare proof of service of this summors, use Proof of Service of Summons, (PGS-010)). (Pare proof of service of this summors, use Proof of Service of Summons, (PGS-010)). (Pare proof of service of this summors, use Proof of Service of Summons, (PGS-010)). (Pare proof of service of this summors, use Proof of Service of Summons, (PGS-010)). (Pare proof of service of this summors, use Proof of Service of Summons, (PGS-010)). (Pare proof of service of Summons, (PGS-010)). (PGCS-010). (PGC	Catheria projector production programme in cupor and responses a stage live programme in cupor and response servicio. de remaine servicio de remaine servicio de remaine de la Catheria Lapid Servicio de la Catheria Lapid Servicio de la catheria de	indo capparaetha phaeparaeth, as in Maledo de presentación, pala el menetrio de la co., puede partier el caso pol indiamentación de la co., puede partier el caso pol indiamentación en la co., puede partier el caso pol indiamentación de la co. percentación de la colonidad de la completación de la completación de servicios implicación de la colonidad de servicios implicación de la colonidad de la	içai de la corta y más informa acu de layes de su ejectico e los questa de su formaliario a ly la corta la su formaliario a ly la corta la sieda questa su a su guido farrigadinamiento, illo, es prolítico, que complia co la successión de la corta de la successión de la Cortas de la Cortas de la successión de la corta de la Cortas de la successión de la corta de la corta de la corta de la successión de la corta de la corta de la corta de la corta de la successión de la corta de la corta de la corta de la corta de la successión de la corta del la corta de la co	irlin as al Cantro di ren la sorta que la ren la sorta de país signitis, cisiare y la lle res contros à sui e n fue regulacios, pa tra grappe las times l'California, la disopetra la maila creasante	i Ayarda de ha Cort queda más cliena. : de casotac. El no p esta atra más denora idequado, pisado tina re abterio ser al actio de tecro ser al actio
DATE: (Feaths) NOV 13 2007 Pat S. Sweeten Clark, by (Four proof of service of this summors, use Proof of Service of Summors (Many POS-010)). (Pare proofs de entrege de only attelle use el lomulario Pract of Service of Summons, (PGS-010)). (Pare proofs de entrege de only attelle use el lomulario Pract of Service of Summons, (PGS-010)). (Pare proofs de entrege de only attelle use el lomulario Pract of Summons, (PGS-010)). (Pare proof of service of this summors, use Proof of Service of Summons, (PGS-010)). (Pare proof of service of this summors, use Proof of Service of Summons, (PGS-010)). (Pare proof of service of this summors, use Proof of Service of Summons, (PGS-010)). (Pare proof of service of this summors, use Proof of Service of Summons, (PGS-010)). (Pare proof of service of this summors, use Proof of Service of Summons, (PGS-010)). (Pare proof of service of this summors, use Proof of Service of Summons, (PGS-010)). (Pare proof of service of this summors, use Proof of Service of Summons, (PGS-010)). (Pare proof of service of this summors, use Proof of Service of Summons, (PGS-010)). (Pare proof of service of Summons, (PGS-010)). (PGCS-010). (PGC	Cathernia production production in temporaria a fiscipal production as fiscipal production as fiscipal production as fiscipal production as fiscipal production and address (El nombre y direction Alameda County Rene C. Davidson 1225 Fallen Strees, at The name, address, at The name and the name at The	indo capparaethalperpendi, on to Milled de presentación, pido el microtrio de la co., piede persentación, pido el microtrio de la co., piede persentación, pido el microtrio de la co., piede persentación de la co., piede persentación de la co., piede persentación de la contractorio de la cortación de l	ied de le corte y máe informa eur de liger de su eordidar inte que la cit un formaliero d ry la corte le piedré gather di r su gord la rivellamentame illo, es praille que chalpis un la lacra. Presir estrepture su la presir en la principal la presir en la principal la presir en la principal la presir en la principal la presir en la principal de principal de principal de principal de principal de principal	irlin as al Cantro di ren la sorta que la ren la sorta de país signitis, cisiare y la lle res contros à sui e n fue regulacios, pa tra grappe las times l'California, la disopetra la maila creasante	i Ayarda de ha Cort queda más cliena. : de casotac. El no p esta atra más denora idequado, pisado tina re abterio ser al actio de tecro ser al actio
(Factor) NOV 13 2007 Pat S. Succeton (Secretaria) (Additional Patrice of Sentence of Sente	Cathernia production production in temporaria a fiscipal production as fiscipal production as fiscipal production as fiscipal production as fiscipal production and address (El nombre y direction Alameda County Rene C. Davidson 1225 Fallen Strees, at The name, address, at The name and the name at The	indo capparaethalperpendi, on to Milled de presentación, pido el microtrio de la co., piede persentación, pido el microtrio de la co., piede persentación, pido el microtrio de la co., piede persentación de la co., piede persentación de la co., piede persentación de la contractorio de la cortación de l	ied de le corte y máe informa eur de liger de su eordidar inte que la cit un formaliero d ry la corte le piedré gather di r su gord la rivellamentame illo, es praille que chalpis un la lacra. Presir estrepture su la presir en la principal la presir en la principal la presir en la principal la presir en la principal la presir en la principal de principal de principal de principal de principal de principal	irlin as al Cantro di ren la sorta que la ren la sorta de país signitis, cisiare y la lle res contros à sui e n fue regulacios, pa tra grappe las times l'California, la disopetra la maila creasante	i Ayarda de ha Cort queda más cliena. : de casotac. El no p esta atra más denora idequado, pisado tina re abterio ser al actio de tecro ser al actio
Pare proofs of selected and stammors, use Proof of Selected of Sammons (plant POS-010). (Pare proofs de entrega de eats attation use el lomatorio Proof of Selected Summons, (POS-010)). NOTICE TO THE PERSON SERVEC: You are served. 1.	Catheria projector gueda pagar la pueda pagar la pueda su responsar a finapa la pueda pagar la pueda su responsar a finapa la pueda pagar la pueda fina pueda fina pueda	indo capparaethalperpendi, on to Milled de presentación, pido el microtrio de la co., piede persentación, pido el microtrio de la co., piede persentación, pido el microtrio de la co., piede persentación de la co., piede persentación de la co., piede persentación de la contractorio de la cortación de l	fee de le corte y mée informe er de tipee de su écodéde ris que le dit us formaliers de y le corte le sté dié gatter de le su position que charjes en le su position que charjes en le su position que charjes en le successión de les Cortes de tra successión de la Cortes de tra successión without en esten demendante, o del depart demendante, o del depart l'estrucisco, CA 94122	irlin as al Cantro di ren la sorta que la ren la sorta de país signitis, cisiare y la lle res contros à sui e n fue regulacios, pa tra grappe las times l'California, la disopetra la maila creasante	i Ayarda de ha Cort queda más cliena. : de casotac. El no p esta atra más denora idequado, pisado tina re abterio ser al actio de tecro ser al actio
NOTICE TO THE PERSON SERVED: You are served NOTICE TO THE PERSON SERVED: You are served se an individual determinant as the person said under the fictitious dame of (specify): 3. IV on behalf of (specify): Com cost of San Lean For Jack under: V. DCP 418.10 (composition) CCP 418.50 (migor) CCP 418.70 (company steel)	Catheria projector productive projective projective repositive a frame surject de recolution de la catheria francisco de recolution de la catheria francisco de recolution de la catheria francisco de recolution de la catheria frame and address (El nombre y dirección Alameda County Rene C. Davidson 1225 Faillon Street The name, address, ar (El nombre, le chacción Marik N. Todzo Lexington Law Grandia.	into carporatellus page pendi, as to blacked de presentación, pich el accipión de la co., pende perder el caro por laciminatorio de la co., pende perder el caro por laciminatorio de la co., pende pende. En accomanda por laciminatorio en laciminatorio de la carbo pende pende a laciminatorio de servicios implicarios de acricios in programa de acricios implicarios de acricios de describios de la carbo de contratorio en la contratorio de la contratorio de pendende la contratorio de la contratorio de la contratorio de la contratorio del la co	ind the let corte y mile informa- une due layer du su condiciou vide que le di un formaliero di y le corte la podrá gipty si: n abd gado la republicamente. Ito, est pasable que cimbilia su ito, por predir de las cortes de tra so la la surfacion con plantist without an eston demendante, o del depren- la canciscio. CA 94122.	irlin as al Cantro di ren la sorta que la ren la sorta de país signitis, cisiare y la lle res contros à sui e n fue regulacios, pa tra grappe las times l'California, la disopetra la maila creasante	Ayans de ha Con- quede miss cliens. 3 de caotes. Sino A ents sin mas across re phinter persiste i de lecro en el alto 0 7 3 5 5
as an Individual determinant as an Individual determinant as the person such dispersion of (specify): 3. If on behalf of (specify): Com cost of San Leandro, Indicated under, Indicated the person of San Leandro, Indicated under, Indicated the person of San Leandro, Indicated the Indicated the Person of San Leandro, Indicated the Person of San Leandro, Indicated the Person of San Leandro, Indicated the	Catheria bridge our greets pager in custom as responses a steep the proper in custom as responses a steep that the proper in the property of the remarks of a catherial Lapid Switch Catherials Lapid Switch Catherials Lapid Switch Catherials County Alameda County Rene C. Davidson 1225 Fallon Street The name, wedness, as (## nombre, to chacelo Mark N. Todzo Lickington Law Groot of sanker of factors of facto	indo capparaethalperoperaeth evice formularia con presentación, pich el menero de la conspirate de la constanta de la conspirate de la constanta de la conspirate de la constanta de servicios implies de la constanta de servicios implies de la constanta de la constant	ica de la corta y más informa- car de layer de su condicio e ir que la cit un formaliario de y la corta la siconalización ir para pode la ripolitación de la corta la siconalización ir postular de la corta de la corta de la corta de la corta de la corta de la corta de la corta de la corta de la corta de la corta de la corta de la	irida es el Centro di ren le norte que le outentida de peis ignitità, illingre y la illing confoce à risi en il presentation pa le confoce de risi en le confoce de la con- le confoce de la con- le confoce de la con- traressentations de la con- le confoce de la con- le con- l	Ayans de ha Con- quede miss cliens. 3 de caotes. Sino A ents sin mas across re phinter persiste i de lecro en el alto 0 7 3 5 5
2. Seath person sued under the fictions same of (specify): 3. To n behalf of (specify): Com cost of Sam Leandro, Inc. under, Sch 418.10 (composation) CCP 418.80 (mirror) CCP 418.20 (definion composation) CCP 418.70 (octorsevene)	Catheria bridge our greets pager in custom as responses a steep the proper in custom as responses a steep that the proper in the property of the remarks of a catherial Lapid Switch Catherials Lapid Switch Catherials Lapid Switch Catherials County Alameda County Rene C. Davidson 1225 Fallon Street The name, wedness, as (## nombre, to chacelo Mark N. Todzo Lickington Law Groot of sanker of factors of facto	into capparaethaloraper ertes komuning in the capparaethaloraper profit on the little of presentación, pich el micropio de la capparaethaloraper ertes in prode partier el capo per indiamplication de la capparaethaloraper el capparaethaloraper en la capparaethaloraper en la capparaethaloraper en la capparaethaloraper en la capparaethaloraper el cappar	feel de le corte y mée intermente de la condicio en de la persona de la condicio en que la cidad de la complicio de la corte la ste del capital de la corte la ste del capital de la corte del la corte de la corte de la cor	irida es el Centro di ren le norte que le outentida de peis ignitità, illingre y la illing confoce à risi en il presentation pa le confoce de risi en le confoce de la con- le confoce de la con- le confoce de la con- traressentations de la con- le confoce de la con- le con- l	Ayans de ha Con- quede miss cliens. 3 de caotes. Sino A ents sin mas across re phinter persiste i de lecro en el alto 0 7 3 5 5
on behalf of (present) Compact of San Leandra) Inc. under: [V] ECP 418.10 (comparation) CCP 418.50 (minor) CCP 418.20 (definion composition) CCP 416.70 (octors accepted)	Cathernia herejectory preds program is trupted to program a fiscipal program in the program in the program is trupted from the program in the	inducation and considerate articles in the little of presentation, pick of members of the first of presentation, pick of members of the co., purch parties of one of process the secondarity is an industrial of the co., purch parties of members of the secondarity of the consideration of the court of the	les de la corta y más informatica de la gent de la corta de su condicio y la corta de su condicio y la corta la ste del gastar si la sub godo farminalmenta de su corta de su composito que composito que composito que composito de la corta de la lacia de la lacia de la corta de la lacia de la corta de la lacia del lacia del lacia de la ia de la lacia de lacia del lacia de lacia de lacia del lacia de lacia del lacia de lacia de lacia del	irida es el Centro di ren le norte que le outentida de peis ignitità, illingre y la illing confoce à risi en il presentation pa le confoce de risi en le confoce de la con- le confoce de la con- le confoce de la con- traressentations de la con- le confoce de la con- le con- l	Ayans de ha Con- quede miss cliens. 3 de caotes. Sino A ents sin mas across re phinter persiste i de lecro en el alto 0 7 3 5 5
Linder: CCP 418.10 (corporation) CCP 418.80 (miger) CCP 418.20 (definion composition) CCP 416.70 (corpsystem)	Cathernia herejectory preds program is trupted to program a fiscipal program in the program in the program is trupted from the program in the	indo capparaethalpoteparaeth entre komunaria de presentación, pich el menetrio de la co., puede paraet el capo per indicato de la co., puede paraet el capo per indicatorio de la co., puede paraet el capo per indicatorio de la co., puede paraet el capo per indicatorio de la co. de la capación de servicios implies de la capación de paraetro de la capación de la capa	ing the let corts y máe information of the question of an endeddiday in question of the provided and the pro	irida es el Centro di ren le sonte que le cuivenchir de peje iginida, ilingre y la iling confoce à risi en i pe seguindad pe la confoce de la con- la grappe des ficues la confoce de la con- la disconte de la con- la conte que no lle re- dente que no lle re- dente que no lle re-	Ayans de ha Con- quede miss cliens. 3 de caotes. Sino A ents sin mas across re phinter persiste i de lecro en el alto 0 7 3 5 5
Linder: CCP 418.10 (corporation) CCP 418.80 (miger) CCP 418.20 (definion composition) CCP 416.70 (corpsystem)	Cathernia herejectory preds program is trupted to program a fiscipal program in the program in the program is trupted from the program in the	indo capparaethalpoteparaeth entre komunaria de presentación, pich el menetrio de la co., puede paraet el capo per indicato de la co., puede paraet el capo per indicatorio de la co., puede paraet el capo per indicatorio de la co., puede paraet el capo per indicatorio de la co. de la capación de servicios implies de la capación de paraetro de la capación de la capa	ing the let corts y máe information of the question of an endeddiday in question of the provided and the pro	irida es el Centro di ren le sonte que le cuivenchir de peje iginida, ilingre y la iling confoce à risi en i pe seguindad pe la confoce de la con- la grappe des ficues la confoce de la con- la disconte de la con- la conte que no lle re- dente que no lle re- dente que no lle re-	Ayans de ha Con- quede miss cliens. 3 de caotes. Sino A ents sin mas across re phinter persiste i de lecro en el alto 0 7 3 5 5
CCP 415.20 (defined composition) CCP 418.70 (companyates)	Cathernia herejectory preds program is trupted to program a fiscipal program in the program in the program is trupted from the program in the	into capparaethalpoteparaeth extra komunaria de presentación, pida el menetrio de la co., puede partier el caso pel indiamplication de la co., puede partier el caso pel indiamplication de la co., puede partier el caso pel indiamplication de la co., puede partier el caso de la capparate de servicios implicación de la capparate de	ing the let corts y máe information of the question of an endeddiday in question of the provided and the pro	irida es el Centro di ren le sonte que le cuivenchir de peje iginida, ilingre y la iling confoce à risi en i pe seguindad pe la confoce de la con- la grappe des ficues la confoce de la con- la disconte de la con- la conte que no lle re- dente que no lle re- dente que no lle re-	Ayans de ha Con- quede miss cliens. 3 de caotes. Sino A ents sin mas across re phinter persiste i de lecro en el alto 0 7 3 5 5
CCP 415.20 (defined composition) CCP 418.70 (companyates)	Cathernia herejectory preds program is trupted to program a fiscipal program in the program in the program is trupted from the program in the	indo capporaethe accompany er to Nomental de presentación, pich el mecapión de la contractión pich el mecapión de la contractión de la con	to de le corte y más information de la periodica de la periodica de la periodica de que la corte de la periodica del la	inter se el Centro de pror le sonte que le contre que la contre que no berse le contre le c	Ayanda de ha Corn quede arias cliena. 3 de casotec. Si no p enta em mas arrent inguardo, pisado has ra ploteira servicias de lacero has planto c.
	Cathernia herejectory preds program is trupted to program a fiscipal program in the program in the program is trupted from the program in the	indo capporatella aporatera estas formulari indo capporatella aporatera estas for in Nichtod process process in the Nichtod process process in a security for the capporate in the second process in t	ing the let corte y mile information of the due, he do so condition in the que, in the second so condition in the que, he did so formation of y to corte to second so so possible sure straining or in the second so see the second so the secon	inter se el Centro de prim le monte que le contre le contr	Ayans de ha Control de Control de Control de Control de la
	Cathernia herejectory preds program is trupted to program a fiscipal program in the program in the program is trupted from the program in the	indo capparaethalpoteneral, as to Maked de presentación, pich el acceptio de la co., piede partier el caro por individual processor de la co., piede partier el caro por individual de la co., piede partier el caro por individual de la constanta de servicios implicatores en la logicado. El las guides pagar el cari laborato de servicios implicatores en ladoratoria de servicios implicatores en ladoratoria de la contración el processor de la contración de contración el procesor de la contración de contración de contración de la cont	fee de le corte y mée inference de la ce de le corte de se condicio en que le corte de se condicio en que le corte le se corte de se condicio en la corte le se corte de se corte de la co	india se el Centro de pror la contra que la contra	Ayans de ha Control de Control de Control de Control de la

m Adopted for Westleboy Use Instal Course of Cultoria M-191 (Rive, Marchy L 2004)

SUMMONS

dither (specify):

Sty personal delivery on (date): 11-15-0

CCP 418.80 (minor) CCP 416.70 (conservative) CCP 416.90 (sufficilized person)

A Wolterskluwer Company

Service of Process Transmittal

11/16/2007

CT Log Number 512797177

TO:

Rosemarie Pierce

Comcast Corporation 1500 Market Street, 35th Floor Philadelphia, PA 19102-2148

RE:

Process Served in California

FOR:

Comcast of Northern California I, Inc. (Domestic State: CA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:

Jon Hart, On Behalf of Himself and Ali Others Similarly Situated and On Behalf of the General Public, Pltf. vs. Comcast of Alameda, Inc., et al. including Comcast of Northern California I, Inc., Dfts.

DOCUMENT(S) SERVED:

Summons, Complaint, Attachment(s), Amended Cover Sheet, Stipulation Form(s), Affidavit(s)

COURT/AGENCY:

Alameda County, Superior Court, CA Case # RG07355993

NATURE OF ACTION:

Class Action - Defendants intentionally impede their customers' access to the Blocked Applications by transmitting unauthorized hidden messages to the computers of customers who utilize such applications - Seeking that the court preliminarily and permanently enjoin defendants from conducting their businesses through the unlawful, unfair or fraudulent business acts or practices, untrue and misleading advertising and other violations of law described in the complaint

ON WHOM PROCESS WAS SERVED:

C T Corporation System, Walnut Creek, CA

DATE AND HOUR OF SERVICE:

By Process Server on 11/15/2007 at 14:45

APPEARANCE OR ANSWER DUE-

Within 30 days after service

ATTORNEY(S) / SENDER(S):

Mark N. Todzo

Lexington Law Group, LLP 1627 Irving Street San Francisco, CA 94122 415-759-4111

ACTION ITEMS:

Telephone, Rosemarie Pierce , 215-640-7016 SOP Papers with Transmittal, via Fed Ex Standard Overnight , 798311068560

SIGNED: PER: ADDRESS:

C T Corporation System Nancy Flores 818 West Seventh Street

TELEPHONE:

Los Angeles, CA 90017 213-337-4615

Page 1 of 1/VI

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

11-15-07 25458

(CITACION JUDICIAL)	FOR COURT USE ONLY FEOLD FRANCISCO DE LA COURTED
NOTICE TO DEFENDANT.	
. (AVISO AL DEMANDADO):	54 3 *
COMCAST OF ALAMEDA, INC.; Additional Parties Attachment Form	ENDSMALL
is stached.	I STATE OF THE STA
and the same of th	ALAMEDI COMP.
	i
YOU ARE BEING BUED BY PLAINTIFF:	NOV 1 3 2607
(LV ESTA DEMAKRAKAA EL PERFARMANTO.	
JON BAKI, On Behalf of Himself and All ruban communication	PLERK OF THE GUPERLYS COURT
and On Behalf of the General Public	By Traha Peny, Deputy
The second secon	in the state of th
You have 30 CALENDAR DAYS after title suprishes and legst papers are served on your copy served on the yields. A letter or phone call will not protect you your written counts to hear your copy. There is the phone call will not protect you your written counts.	
will source on the Amings. I letter of brees del sail and content for Amings out to the	THE & WILLIAM PREPORTER OF PLAN COURT AND PARKET
copy correct on the plaintiff. A letter or phane call will not protect you written respect to their your court to their your court to their your court to their your court to their your court. Their resty he a court form that you can use for your response. You instrument on at the California Courts Guillen Salf-Mein Cauter [armicount office contention for the court of	e column pe in bander, leding form is Aort strong the
And the second s	The same to see to the second
Hearset you. If you council by the filling fee, sait the count fermicountaint cuspostating in long the filling fee, sait the count clerk form the replace form. If you there may defent, and your wages, money, and properly may be before without queller.	Of her the sources on the sources
There are other larger recommends. You may supply the best without further	Agracia Montale Cons
minorary referrs service. If you cannot afford an expense, you may be allotted as a storage you may be allotted as a storage you may be allotted as a storage of the second as a storag	had to me an attended you way want to call an
ions the carse by default, and your regard, many, and properly may be trained from the relation from the property may be trained from the relation without further attention are other layer requirements. You may found to that an etterney relation for the relation attention selected by the control of the co	and least a continue of the second continue o
And the state of t	2011 of County his many succession
Tiene 30 Dike On CALENDARIO después de que la entreguiar asia chiadre y jupaire loga en este corte y hecer que se entregae lus copie el formadiente. Une carte o com librario legis como después de como de la como dela como de la como dela como	The state of the s
on each corte y hacer que se entragas luis poble el dominidade. Line carte a una finantia baj secrito tiene que estar en formada legal correcto si dessa quo procesar su carse si ma finantia baj lunda rener rener succesar en formada legal correcto si dessa quo procesar su carse sin la civile.	we pare presultar and responsts por excello
pueda man juna au respinata. Pueda encodar estas fonamistos de sevie si la ciria. Calliumia (mair cara teria procesa de la curia y más laterama (Calliumia (mair contieto especializado encodar estas fonamistra de la curia y más laterama pueda pagar la cupia de presentación, pida el micropio de la curia que la de en fonamistro de se responsa a sengo, pueda perder el cuero por incluencia del curia que la de en fonamistro de la respecta de en fonamistro de presenta a sengo el perder el curia que la curia de la produca de la sengo en la produca de la sengo en la produca de sengo en la produca de sendo en la produca de la produca de sendo en la produca de la produca de sendo en la produca de la produc	idea en el Centro de Avista de las Frances
parede projecte de procentación, pido el ascretario de la contracto de hipos de su condido o	terrie corte que le que de més chica: 21 pa
no response a diampo, puede perder el coso por inclumpantaleme e confe Li de la formalicio di	termalan de pisso de crotes. Si no dresente
The state of the s	Andrew County and the man activation of
Actions in military the tax constraints.	NAME OF THE PROPERTY OF THE PARTY OF THE PAR
Confidenta Legal Confident format in the property and the same format of the same of the s	OR CITALOR OF THE PARTY OF THE
California Lagri Carricos, ferris i se sanctino i agricos air fines di lorre. Prante escundra esi famis constituto ca govin altra locatanti i agricos di Carrio de Aparia da las Comes di famis constituto ca govin altra locatanti i a portico da la Carrio de Aparia da las Comes di	California,
A STATE OF THE PROPERTY OF THE	eshogeou koestur
(F) nombra seffenceble de la costa a la	3.2
Alastrete County Commerce Con-	Maria (100) 0735599
Alameda County Superior Court	wearened A (9 b b a a l
Rene C. Davidson Alameda County Courthouse	
1.663 PRIMO NIMAT TIGINGA MA MACIA	•
[[] [] [] [] [] [] [] [] [] [saur dan
'El nombre, la chacción y el número de talátano del abogado del demandante, o del demand Marik N. Todzo	large m. Iantin ment nei tinan akansasan saas
MAN A. I CASO	ware fire two course social grap, (63).
exington Law Group, LLP, 1627 Irving Street, San Francisco, CA 94122	
MTE	
	THE PARTY OF THE P
	Deputy
cut proof of sentings of this summons, use Proof of Service at Summons (borns POS-018).) are proofs do extreme to extrament to senting the service of Sentings (borns POS-018).)	(Adjunto)
The state of the s	School.
SEAT TO THE PROPERTY OF THE PR	a aroll:
I - L FE BIT PO(I/ACID) (defendant	:
2 exitte ficusir sized under the fictitious asine of (spi	Scillato
- A Comment would be seen and seed and seen and seed and	
The state of the s	经推断证 對議 一点 计图
3. To an behalf of popular Com as to at No	rothern California Tr
	The stringer of the
under Q GCP 418.10 (corporation)	CCP.418.80 (m/mor)
COP 416.20 (getweet extraoration)	COMPO AND SALES CO.
CCP 418 40 (association or paintentia)	CCP 416.90 (authorized person)
cither (specifi):	The same (arminolistic betack)
Pip Advanted for Wenderborg Uses Jointed Countil of Chilibrain	Page f at 1
ME PART SUMMONS	Cheft of Cheft Dropastics & \$12.20, 648
entition(6)	Addition Language Land Company of
	- 1.3 · 1 · 1 / 2 / 2 / 2 / 2 / 2 / 2 / 2 / 2 / 2 /

A Wolterskiuwer Company

Service of Process Transmittal

11/16/2007

CT Log Number 512797200

TO:

Rosemarie Pierce

Comcast Corporation 1500 Market Street, 35th Floor Philadelphia, PA 19102-2148

Process Served in California

FOR:

Comcast of Alameda, Inc. (Domestic State: CA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTIONS

Jon Hart, On Behalf of Himself and All Others Similarly Situated and On Behalf of the General Public, Plff. vs. Comcast of Alameda, Inc., et al. including Comcast of

Alameda, Inc., Dfts.

DOCUMENT(S) SERVED:

Summons, Complaint, Attachment(s), Amended Cover Sheet, Stipulation Form(s),

COURT/AGENCY:

Alameda County, Superior Court, CA Case # RG07355993

NATURE OF ACTION:

Class Action - Defendants intentionally impede their customers' access to the Blocked Applications by transmitting unauthorized hidden messages to the computers of customers who utilize such applications - Seeking that the court preliminarily and permanently enjoin defendants from conducting their businesses through the unlawful, unfair or fraudulent business acts or practices, untrue and misleading actions and the unlawful and the complete.

advertising and other violations of law described in the complaint

ON WHOM PROCESS WAS SERVED:

C T Corporation System, Los Angeles, CA

DATE AND HOUR OF SERVICE:

By Process Server on 11/15/2007 at 14:45

APPEARANCE OR ANSWER DUE:

Within 30 days after service

ATTORNEY(S) / SENDER(S):

Mark N. Todzo

Lexington Law Group, LLP 1627 Irving Street San Francisco, CA 94122 415-759-4111

ACTION ITEMS:

Telephone, Rosemarie Pierce , 215-640-7016 SOP Papers with Transmittal, via Fed Ex Standard Overnight , 798311068560

SIGNED: ADDRESS:

C T Corporation System

Nancy Flores 818 West Seventh Street Los Angeles, CA 90017

TELEPHONE:

213-337-4615

Page 1 of 1 / VI

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mea receipts confirm receipt of package only, not contents.

11.15.47 2.45 P.

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

COMCAST OF ALAMEDA, INC.; Additional Parties Attachment Form is strached.

YOU ARE BEING SUED BY PLAINTIFF; (LO ESTÁ DEMANDANDO EL DEMANDANTE): JON HART, On Behalf of Himself and All Others Similarly Situated, and On Behalf of the General Public FOR COURT USE ONLY REAL PRINT HED DE LA CORTE

ENDITOR OF ALAMEDA COMPA

NOV 1 3 2007

PLEAK OF THE BUPERLYS COURT By Trans Proy, Freely

You have 30 CALERDAR DAYS after title summans and legal papers are served on your in the a written stepons on this count and have a copy served on the plaintil. A fetter or phone self will not protect you, Your written respictive depart he is proper legal form if you want the information at the Chillonia Counts United Self-Heip Carter (evaluation) of the Chillonia Counts (influe Self-Heip Carter (evaluation) of the Chillonia Counts (influe Self-Heip Carter (evaluation) of the Chillonia Counts (influe Self-Heip Carter (evaluation) of the Chillonia Counts (influence and interted and the count of the Chillonia Counts (influence and interless the count of the Chillonia Counts (influence and interless the count of the Chillonia Counts (influence and interless the count of the Chillonia Counts (influence and interless the count of the Chillonia Counts (influence and interless the count of the Chillonia Counts (influence and interless the count of the Chillonia Counts (influence and interless the count of the Chillonia Counts (influence and interless the counts (influence and inter
less the counts (influence and inter

less the counts (influence and inter
less the counts (influence and inter
less the counts (influence and inter
less the counts (influence and inter
less the counts (influence and inter

tone the came by deteat, and your stages, stoney, and properly they be below without further senting from the gover.

There are other legal requirements. You they sent to talk an externey tight never, if you do not know an attempt, you may sent to talk an externey select any for the great attempt, you may sent to othe attempt select an locate these compress on particular services. You can locate these compress at the Continues, and services (you also play the particular services) counts the continues the country between country in the Continues. You are country to continue the country between the country that the country that the country the country the country that the country the

Course Comme Solaries per Contest harmonounted in a good possible point of the contest of the co

May chook requested seguingt. The recommendated which the cords is produced the special district planets are under planets and the produced the seguing of the produced the seguing of the planets and the produced the seguing of the planets and the produced the seguing of the planets and the planets and the seguing of the seguing of the planets and the seguing the seguing of the s

The name and accress of the count is: (El nombre y dirección de la corte es):

Alameda County Superior Court

Rene C. Davidson Alameda County Courthquise

1225 Fallog Street, Oakland, CA 94612

The same, address, and telephone number of pisintiffs attempt, or pisintiff without an attempt, is:
(El nombre, is dissoción y el número de telefano del abequeto del demendante; o del demendante que no tiene abequeto, est.
Mark N. Todzo

Lexington Law Group, LLP, 1627 Irving Street, San Francisco, CA 94122

DATE:	NOV	1320	07	Pat S. Sweeter	Olark, by		Refin.	Party .	. Deputy
(For ploaf (Para prus	Of Bandon	12 that en	nununs, us Na tilatiga	ure el formulado Pranto	MNORE (ROME) FSAVVen at Su	08:016).J	D(O)):		(Adjanja)
facut	·		1.	The Property of the Section of the S	MED: You are:	merved .	•		٠.
,	•			an the person siled und			4		
			3, (Z)	on behalf of (specify)				• • • •	
			. carusti	COP 416.10 (co	funct corporation	m .	CODATE		
	: '			Cilher (specify);	enisation of bis	duciano)	CCP 416.90	(anthonized b	enon)
Form Administra	Witnesday ()	10	لسنج	ph belacus qualitative of	dater:	12 - 47			Page 1 of 1

State 100 (Spir. States F 5006)

SUMMON

Code of Chill Properties 39 412 20, 446

COPY

GENERAL INFORMATION ABOUT ADR

Introduction to Alternative Dispute Resolution

Did you know that most civil lawsuits settle without a trial? And did you know that there are a number of ways to resolve civil disputes without having to sue somebody? These alternatives to a lawsuit are known as alternative dispute resolution (also called ADR). The most common forms of ADR are mediation, arbitration, and neutral evaluation. There are a number of other kinds of ADR as well.

In ADR, trained, impartial persons decide disputes or help parties decide disputes themselves. These persons are called neutrals. In mediation, for example, the neutral is the mediator. Neutrals normally are chosen by the disputing parties or by the court. Neutrals can help parties resolve disputes without having to go to court.

ADR is not new. ADR is available in many communities through court-connected and community dispute resolution programs and private neutrals.

Advantages of Alternative Dispute Resolution

ADR can have a number of advantages over a lawsuit:

- ADR can be speedier. A dispute often can be resolved in a matter of months, even weeks, through ADR, while a lawsuit can take years.
- ADR can save money. Court costs, attorney fees, and expert witness fees can be saved.
- ADR can permit more participation. With ADR, the parties may have more chances to tell their side of the story
 than in court and may have more control over the outcome.
- ADR can be flexible. The parties can choose the ADR process that is best for them.
- ADR can be cooperative. In mediation, for example, the parties having a dispute may work together with the
 neutral to resolve the dispute and agree to a remedy that makes sense to them, rather than work against each
 other.
- ADR can reduce stress. There are fewer, if any, court appearances. And because ADR can be speedier, cheaper, and can create an atmosphere in which the parties are normally cooperative, ADR is easier on the nerves. The parties don't have a lawsuit hanging over their heads. For all the above reasons, many people have reported a high degree of satisfaction with ADR.

Because of these advantages, many parties choose ADR to resolve a dispute instead of filing a lawsuit. Even when a lawsuit has been filed, ADR can be used before the parties' positions harden and the lawsuit becomes costly. ADR has been used to resolve disputes even after a trial, when the result is appealed.

Disadvantages of Alternative Dispute Resolution

ADR may not be suitable for every dispute.

If ADR is binding, the parties normally give up most court protections, including a decision by a judge or jury under formal rules of evidence and procedure and review for legal error by an appellate court.

There generally is less opportunity to find out about the other side's case with ADR than with litigation. ADR may not be effective if it takes place before the parties have sufficient information to resolve the dispute.

The neutral may charge a fee for his or her services.

If a dispute is not resolved through ADR, the parties may have to put time and money into both ADR and a lawsuit.

Lawsuits must be brought within specified periods of time, known as statutes of limitations. Parties must be careful not to let a statute of limitations run out while a dispute is in an ADR process.

Three Common Types of Alternative Dispute Resolution

This section describes the forms of ADR most often found in the California state courts and discusses when each may be right for a dispute.

Mediation

In mediation, a neutral (the mediator) assists the parties in reaching a mutually acceptable resolution of their dispute. Unlike lawsuits or some other types of ADR, the mediator does not decide how the dispute is to be resolved; the parties do.

Mediation is a cooperative process in which the parties work together toward a resolution that tries to meet everyone's interests, instead of working against each other where at least one party loses. Mediation normally leads to better relations between the parties and to resolutions that hold up. For example, mediation has been very successful in family disputes, particularly with child custody and visitation.

Mediation is particularly effective when the parties have a continuing relationship, like neighbors or business people. Mediation also is very effective where personal feelings are getting in the way of a resolution. This is because mediation normally gives the parties a chance to let out their feelings and find out how they each see things.

Mediation may not be a good idea when one party is unwilling to discuss a resolution or when one party has been a victim of the other or has unequal bargaining power in the mediation. However, mediation can be successful for victims seeking restitution from offenders. A mediator can meet with the parties separately when there has been violence between them.

Arbitration

In arbitration, a neutral (the arbitrator) reviews evidence, hears arguments, and makes a decision (award) to resolve the dispute. Arbitration normally is more informal and much speedier and less expensive than a lawsuit. Often a case that may take a week to try in court can be heard by an arbitrator in a matter of hours, because evidence can be submitted by documents (like medical reports and bills and business records) rather than by testimony.

There are two kinds of arbitration in California: (1) Private arbitration, by agreement of the parties involved in the dispute, takes place outside of the courts and is normally binding. In most cases "binding" means that the arbitrator's decision (award) is final and there will not be a triat or an appeal of that decision. (2) "Judicial arbitration" takes place within the court process and is not binding unless the parties agree at the outset to be bound. A party to this kind of arbitration who does not like a judicial arbitration award may file a request for trial with the court within a specified time. However, if that party does not do better in the trial than in arbitration, he or she may have to pay a penalty.

Arbitration is best for cases where the parties want a decision without the expense of a trial. Arbitration may be better than mediation when the parties have no relationship except for the dispute.

Arbitration may not be a good idea when the parties want to decide on the outcome of their dispute themselves.

Neutral Evaluation

In evaluation, a neutral (the evaluator) gives an opinion on the strengths and weaknesses of each party's evidence and arguments and makes an evaluation of the case. Each party gets a chance to present his or her side and hear the other side. This may lead to a settlement or at least help the parties prepare to resolve the dispute later on. If the neutral evaluation does not resolve the dispute, the parties may go to court or try another form of ADR.

Neutral evaluation, like mediation, can come early in the dispute and save time and money.

Neutral evaluation is most effective when a party has an unrealistic view of the dispute, when the only real issue is what the case is worth, or when there are technical or scientific questions to be worked out.

Neutral evaluation may not be a good idea when it is too soon to tell what the case is worth or if the dispute is about something besides money, like a neighbor playing loud music late at night.

Other Types of Alternative Dispute Resolution

There are several other types of ADR besides mediation, arbitration, and neutral evaluation. Some of these are conciliation, settlement conferences, fact-finding, mini-trials, and summary jury trials. Sometimes parties will try a combination of ADR methods. The important thing is to try to find the type or types of ADR that are most likely to resolve your dispute.

The selection of a neutral is an important decision. There is no legal requirement that the neutral be licensed or hold any particular certificate. However, some programs have established qualification requirements for neutrals. You may wish to inquire about the qualifications of any neutral you are considering.

Agreements reached through ADR normally are put in writing by the neutral and, if the parties wish, may become binding contracts that can be enforced by a judge.

You may wish to seek the advice of an attorney about your legal rights and other matters relating to the dispute.

Help Finding an Alternative Dispute Resolution Provider in Your Community

To locate a dispute resolution program or private neutral in your community:

- Visit the Court's Web site. The Alameda County Superior Court maintains a list of court-connected mediators, neutral evaluators, and private arbitrators at http://www.co.alameda.ca.us/courts/adr.htm.
- Contact the Small Claims Court Legal Advisor. The small claims legal advisor for Alameda County is located at the Wiley W. Manuel Courthouse, Self-Help Center. The phone number is 510-268-7665.
- Visit the California Department of Consumer Affairs' Web site. The Department of Consumer Affairs (also called the DCA) has posted a list of conflict resolution programs throughout the state. The list can be found at http://www.dca.ca.gov/r_r/mediati1.htm

You.can also call the Department of Consumer Affairs, Consumer Information Center, at 800-952-5210.

Contact your local bar association. You can find a list of local bar associations in California on the State Bar Web site at http://www.calbar.org/2lin/2bar.htm.

If you cannot find a bar association for your area on the State Bar Web site, check the yellow pages of your telephone book under "Associations."

- Look in the yellow pages of your telephone book under "Arbitrators" or "Mediators."
- Automotive Repair, Smog Check: The California Bureau of Automotive Repair (also known as BAR) offers a free mediation service for consumers who are dissatisfied with an auto repair or a smog check, or who dispute an invoice for such services. BAR registers and regulates California automotive repair facilities and licenses smog. lamp, and brake inspection stations. Learn more at http://smogcheck.ca.gov/smogweb/geninfo/otherinfo/ mediation.htm or call 800-952-5210.
- Attorney Fees: The State Bar of California administers a mandatory fee arbitration program to resolve attorney fee disputes between lawyers and their clients. The program is an informal, low-cost forum and is mandatory for a lawyer if a client requests it. Mediation of attorney fees disputes may also be available in some areas of California. Learn more at http://www.calbar.org/2bar/3arb/3arbndx.htm or call 415-538-2020.

DISPUTE RESOLUTION PROGRAMS IN ALAMEDA COUNTY

Mediation Services

222278 Redwood Road, Castro Valley, CA 94546

Phone: (510) 733-4940 fax: (510) 733-4945

Provides a panel of mediators to assist in the process of reaching an agreement in the areas of Neighborhood Disputes, Child Custody, Divorce, Parent/Teel Conflicts, Home Owners Association, Business, Real Estate, Employer/Employee, and Fremont Rent Increases.

East Bay Community Mediation

1968 San Pablo Avenue, Berkeley, CA 94702-1612

Phone: (510) 548-2377 fax: (510) 548-4051

EBCM is a community-based mediation program created by the union of Berkeley Dispute Resolution Service and Conciliation Forums of Oakland. EBCM offers counseling on options and approaches to resolving a dispute, mediation, large-group conflict facilitation, and conflict resolution skills workshops.

Catholic Charities of the East Bay: Oakland - Main Office

433 Jefferson Street, Oakland, CA 94607

Phone: (510) 768-3100 fax: (510) 451-6998

Mediators are responsible for mediation sessions involving the youth, victim and family members to work towards a mutually agreeable restitution agreement. Also provide free workshops in anger management and mediation.

Center for Community Dispute Settlement

1789 Barcelona Street, Livermore, CA 94550

Phone: (925) 373-1035

Provides services in Tri-Valley for all of Alameda County. Program goals are to increase the number of court cases resolved, mediating small claims cases four days per week, and training youth in listening and conflict resolution skills.

California Lawyers for the Arts: Oakland Office

1212 Broadway Street, Suite 837, Oakland, CA 94612

Phone: (510) 444-6351 fax: (510) 444-6352

This program increases the resolution of arts related disputes such as artistic control, ownership of intellectual property, credit for work performed or produced and contract issues, through the use of alternative dispute resolution. It also increases the capacity to provide services for counseling, conciliation and administration of mediation, arbitration and meeting facilitation.

ALAMEDA COUNTY SUPERIOR COURT ADR PROGRAM

ADR Program Administrator

Pursuant to California Rule of Court 1580.3, the presiding judge of the Superior Court of California, County of Alameda has designated Benjamin D. Stough, Berkeley Trial Court Administrator, to serve as ADR program administrator.

A Plaintiff may elect, the parties may stipulate or a judge may refer a case to Judicial Arbitration. The Judicial Arbitration Program Coordinator may be contacted at (510) 670-6646.

The Judicial Arbitration Process

Appointment of Arbitrator (must be appointed within 30 days after referral per CRC 1605).

- ⇒ Parties mailed list of five names from which to select. (List mailed within 5-10 business days after receipt of referral).
- ⇒ Each party may reject one of the names listed (10 calendar days per CRC 1605a)
- ⇒ The administrator randomly appoints the arbitrators from the names remaining on the list. If only one remains then is deemed appointed.

Assignment of Case (CRC 1605a(4))

⇒ Within 15 days of notice of the appointment, the arbitrator shall contact parties in writing about time, date, and place of the hearing. The parties shall receive at least 30 days notice prior to the hearing.

Hearings (CRC 1611)

⇒ Shall be scheduled so as to be completed not less than 35 days nor more than 90 days from the date the arbitrator was assigned. For good cause shown, the case may be continued an additional 90 days by the Case Management Judge.

Award of Arbitrator (CRC 1615b & c)

- ⇒ Arbitrator must file an award within 10 days after conclusion of the arbitration hearing. The court may allow 20 additional days upon application of arbitrator is cases of unusual length or complexity.
- ⇒ Within 30 days of the filing of the award the parties may file a Request for Trial de Novo. The clerk shall enter the award as a judgment after 30 days provided a Trial de Novo has not been filed.

Return of Case to Court

- Upon Filing of Trial de Novo the action is returned to Case Management Judge for further proceedings. (CRC 1616 & Local Rule 6.4)
- ⇒ If Trial de Novo is not filed then judgment is entered and the Case Management Judge is notified (CRC 1615c & Local Rule 6.6)
- ⇒ If parties indicate a settlement then case is returned to Case Management Judge and case is continued 45 days for an Order to Show Cause RE filing a dismissal. (Local Rule 6.6)

SUPERIOR CO	URT OF CALIFORNIA, COUNT	Y OF ALAMEDA
Alien E. Broussard Justice Center	Berkeley Courthouse	George E. McDonald Hall of Justice
600 Washington Street, Oaldand, CA 94707 Fremont Hall of Justice	2000 Center Street, 2 rd Fl., Barkeley, CA 94704 Gele/Schenone Hall of Justice	2233 Shoreline Drive, Alameda, CA 94501
39439 Paseo Padre Parkway, Fremont, CA 94538	5872 Stoneridge Drive, Pleasanton, CA 94588	Wiley W. Manuel Courthouse
Hayward Hall of Justice	René C. Davidson Courthouse	561 Washington Street, Oakland, CA 94507
24405 Amador Street, Hayward, CA 94544	1225 Fallon Street, Oakland, CA 94612	
	-	•
•		
	Case N	· ·
Plaintiff	Case IV	V
vs.	•	
	STIPI	LATION FOR ALTERNATIVE
	DISE	UTE RESOLUTION (ADR)
Defendant		
The narries by and through their atta	rneys of record hereby stipulate to submit to	b. Aare
The benefit of any another men sun	rue de la record necesión aribinate to stipuit t	ne within
ontroversy to the following Alternative Disp	ute Resolution process.	•
,	and resolution process.	
_	•	
	•	
	•	•
	OPPER	
	ORDER	
The foregoing stipulation having been	n read and considered, and good cause appe	enring more thorofore
3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3	and considered, and Edou cause appo	aring, now meretore,
IT IS SO ORDERED.		
•		
IT IS FURTHER ORDERED that the	matter be set for Order to Show Cause He	aring RE:
	•	
ismissal on	ata.m./p.m. in Department _	
	•	
ated:		
10vu-		
•	HIDOG OF THE	OVERTOR COVER
	JUDGE OF THE	SUPERIOR COURT
		•
EAL)		

LEXINGTON LAW GROUP, LLP Mark N. Todzo (168389) Brie S. Somers (139030) Howard J. Hirsch (213209) endorsio Filed . 3 1627 Irving Street ALAMEDA DOS Y San Francisco, CA 94122 Telephone: (415) 759-4111 Facsimile: (415) 759-4112 NOV 1 8 2007 CLERK OF THE CUPPERION COMAN Atterneys for Plaintiff ION HART By Temp Perry, Listing SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY ALAMEDA JON HART, On Behalf of Himself and All Other Bindlarly Situated, and On Behalf of the General Public, Plaintiff. AFFIDAVET REGARDING PROPER VENUE PURSUANT TO CIVIL CODE COMCAST OF ALAMEDA, INC., COMCAST OF CALIFORNIA II, INC., COMCAST OF CALIFORNIA IX, INC., COMCAST OF CALIFORNIA IX, INC., COMCAST OF CALIFORNIA IX, INC., COMCAST OF CALIFORNIA VI, INC., COMCAST OF CALIFORNIA XIII, INC., COMCAST OF CALIFORNIA XIII, INC., COMCAST OF FRESNO, INC., COMCAST OF MARINI INC., COMCAST OF SACRAMENTO I. LIC., COMCAST OF SACRAMENTO I. LIC., COMCAST OF SACRAMENTO I. LIC., COMCAST OF SACRAMENTO INC., MILL COMCAST OF SIERRA VALLEYS, INC., MILL DOES I-250 Défendants. 26

FFUNAVII RE VENUE HART V COMCAST

I, Mark N. Todzo, declare as follows:

- I am an attorney with the Lexington Law Group, LLP, and I represent Plaintiff 1. Jon Hart ("Plaintiff") in the above-entitled action. This Affidavit is submitted concurrently with the filing of the Complaint pursuant to, and in compliance with, Civil Code §1780(c).
- Venue for this action is proper in Alameda County because a substantial portion 2. of the transaction at issue in the Complaint took place, and is taking place in Alameda County.
- In particular, a substantial portion of the wrongful conduct at the heart of this case, Defendants' transmission of unauthorized hidden messages to the computers of customers who utilize such applications, occurred in Alameda County and affected consumers in Alameda County. Moreover, Defendants' false and misleading representations that Defendant's high speed internet access had qualities, characteristics, uses and/or benefits which it does not, were made in Alameda County.
 - Venue is therefore proper in Alameda County pursuant to Civil Code §1780(c). 4.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on November 13, 2007 at San Francisco, California.

	DURT OF CALIFORNIA, COUNT	* Ch. Uprumining
Allen E. Broussard Justice Center	Borkeley Courthouse	George E. McDonald Hall of Justice
600 Washington Street, Oakland, CA 94707 Fremont Hall of Justice	2000 Center Street, 2 ⁻¹ FL, Barkeley, CA 94704 Gale/Schenone Hall of Justice	2233 Shoreline Drive, Alameda, CA 94501 Wiley W. Hanuel Courthouse
39439 Paseo Padre Parkway, Fremont, CA 94538	5672 Stoneridge Drive, Pleasanton, CA 94588	661 Washington Street, Oakland, CA 94567
Heyward Hall of Justice	René C. Davidson Courthouse	
24405 Amador Street, Hayward, CA 94544	1225 Fallon Street, Oakland, CA 94612	
		•
•		
•		
	Case N	0.:
Plaintiff		
vs.		
		LATION FOR ALTERNATIVE
	DISPU	JTE RESOLUTION (ADR)
5 6 5 7		• ,
Defendant		
The parties by and through their at	tomeys of record hereby stipulate to submit the	ne within
and a summary of the California of the Californi		•
ontroversy to the following Alternative Dis	epute Resolution process:	
	•	
•	•	
		•
	ORDER	
The foregoing stimulation having by		egring pay therefore
The foregoing stipulation having be	ORDER sen read and considered, and good cause appo	earing, now therefore,
The foregoing stipulation having be		earing, now therefore,
IT IS SO ORDERED.	een read and considered, and good cause appo	
IT IS SO ORDERED.		
IT IS SO ORDERED.	een read and considered, and good cause appoint	aring RE:
IT IS SO ORDERED.	een read and considered, and good cause appo	aring RE:
IT IS SO ORDERED.	een read and considered, and good cause appoint	aring RE:
IT IS SO ORDERED. IT IS FURTHER ORDERED that to ismissal on	een read and considered, and good cause appoint	aring RE:
IT IS SO ORDERED. IT IS FURTHER ORDERED that to ismissal on	een read and considered, and good cause appoint	aring RE:
IT IS SO ORDERED. IT IS FURTHER ORDERED that to ismissal on	een read and considered, and good cause appoint	aring RE:
IT IS SO ORDERED. IT IS FURTHER ORDERED that to ismissal on	een read and considered, and good cause appointed to the matter be set for Order to Show Cause Heata.m./p.m. in Department _	aring RE:
IT IS SO ORDERED.	een read and considered, and good cause appointed to the matter be set for Order to Show Cause Heata.m./p.m. in Department _	aring RE:
IT IS SO ORDERED. IT IS FURTHER ORDERED that to ismissal on	een read and considered, and good cause appointed to the matter be set for Order to Show Cause Heata.m./p.m. in Department _	aring RE:
IT IS SO ORDERED. IT IS FURTHER ORDERED that to ismissal on	een read and considered, and good cause appointed to the matter be set for Order to Show Cause Heata.m./p.m. in Department _	aring RE:
IT IS SO ORDERED. IT IS FURTHER ORDERED that to ismissal on	een read and considered, and good cause appointed to the matter be set for Order to Show Cause Heata.m./p.m. in Department _	aring RE:

Nov. 14 2007 4:11PM

No. 1663 P. 2

ATTORNEY ON PAULY WELLOUT AFTORNEY Plane SOME	PARTY AND ADDRESS.	C14-0
1 MODE N. Tochin, State Rev No. 169390 .	The state of the s	POR COURT LINE ONLY
Lexington Law Group, LLP 1627 Irving Street, East Protection, CA 94	ton	ENDORSED
TELEPHOTHO: (415) 759-67 }	122 - FAXNO: (415) 759-41 2 - · ·	FILED
ATTOMARY FOR Blanck Pizintiff Jon Wart	• •	ALAMEDA COUNTY
PARTOR COURT OF CHURCHARA COURTY OF A JAMEST		
STREET ACCIONES. MALING ADDRESS: 1225 Fallon Street		NOV 1 4 2007
CITY AND EP coon Onkland CA 04517		1101 7 7.000
erwice Note: Rent C. Dayldson Cou	utisarice	CLERK OF THE SUPERIOR COL
SE NAME		By SUSAN ERICKSON
Jon Hart v. Comcast of A	lameda, Inc. et al.	De
CIVIL CASE COVER SHEET		77
United Limited	Complex Case Designation	GART HARES
(Amount (Amount	Countar Joundar	R6107355993
demanded demanded is		amen
exceeds \$25,000) \$35,000 or less)	Filed with first approximate by defendant (Cell, Rules of Court, rule (811))	
		Parts
All five (5) Re	ms below must be completed (see instructions	dri name 91
A HAND AND COME OF THE STATE OF COME OF COME OF THE STATE	Chest describes this mee	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Automatical Control of the Control o	Contract	Mississifi Continue Chile Ettigation
Market a ma valer	Breach of contract/spersony 109)	Lines of Court, raises 1800-1812)
Listengréti mointet (48) Inner Parishan (Persanial Indian Property	Entherines (CO)	Antifesti raide ingenition (88)
PROPERTY (Personnel Injury Property		
anagailinongru (200m) Tors	Other principle (87)	After fact (40)
Astroitos (04)	fine Private	2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2
Product Rabby (24)	Without committeese	Securities Higgson (28): Environmental / (ode topt (36)
Medical marpraotice (46)	ocacionación (14)	J CHARDING HEAL / Total Spit (90)
	Wormplat outerforn (183)	Interchase coverage chalcas artering from the above based proving sality to replace these
on PAPORNO (Other) Fors	The Control of the Co	All the second s
C Business to Winter business practice (07)	100	Professional Engineers
Class rights (60)		Epitarostrumt of Judgment (200
Cipternation (23)] [1][[] [[] [] [] [] [] [] [] [] [] [] [] [columnate Chill Complaint
Fraud (18)	Mantisyment (32)	RICO (27)
In inductional property. (119)	Diugi (26)	Gilier complaint (not approximately of \$12)
-Professional mediaence (25):	Surficial Province	oriznoous Christian
Other non-PI/PO/WO ton (35)	- Suppose on manage (1.1)	Permentip and objustate povernence (21).
suplayment	12 The Commercial Physician (1.1)	Other polition protaposithed above (48)
Wronghal topolication (88)	With of counters (02)	
Other ampliographs (16)	Chijer Judicial replaw (30)	
his case A A A A A A Consti	the state of the same of the s	
actions feedings of exceptional fragistic market	ex under rule 1800 of the Gallowin Files of C	Olat if the case is opropied, mark the
	enfinispianies et . Large cumber of with theist princes e . Copyrightschi estyres	Maria Caraca Car
paries that will be time community	Operation of the	filed ections pending in one or more count
Business amount of documentary	Control of the contro	Man Decription and the Land Comment Assessed
he of remarks south a topological sisteman		pient judicial supervisión
March to second the father to her succession		
CE INCOMENTY D. LY MORROOGONY	declaration orthogonative rates (c. 74) pur	alten
ennies or carries or screou (shoonly): 1, 1A9:	DICT OF K. BICK ST COV. OF ELC. FIN	7 B&P, a 17200 & 17508; CLRA
his case [2] is is not; a class November 13, 2007	Saction sug.	
Mark N. Todzo		
CREAT ON PRINTING	HAT THE WAR I ST. TO ST. PORCE.	OF PARTY ON ACTOMORY FOR PARTY
Christian Action south a take	- Britan Contract of the Contr	
dentition and the time cover on the will the first	paper land in the action of proceeding (excit	Temps claims cases of cases and
nan am (tombe markly of Moleto and In.	tinger land in the budget of proceeding (excit structors Code). (Cat Autec of Court, out #1):	0) Pelura to lie may residt in
le five cover sheel in reddition to said chwar a	Maria de la Caración	
this case is consider under rule 1 mm and	of the Collismia Rules of Court, you must se	
		IA 8. 4 DODÁ OL NIJU COASI, RUSSI, OU SEI
njers this le it complex case, this cover sho	el Will be pout for applications mornistate and	
Market for the define them.		Pages of 9
destal for Ministry (And del Comost of California	CIVIL CASE COVER SHEET	Col Ratio China Color Color (1900-1812)
010 (Rev, suby 1, 2003)	Appeton La	Control of the Contro
Cathaire, where we made in his	4	
	in the State of th	

LEXINGTON LAW GROUP, LLP Mark N. Todzo (168389) Eric S. Somera (139050) 2 endorsed. Howard J. Hirsch (213209) 1627 Irving Street ALAMEDA GOTTO Y San Francisco, CA 94122 Telephone: (415) 759-4111 4 NOV 1 8 2007 Facamile: (415) 759-4112 CLERKORTHE SUPPLIED CONN Attorneys for Plaintiff
10N HART. By Taking Telly, Liebus SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY ALAMEDA JON HART, On Behalf of Himself and All Other Similarly Situated, and On Behalf of the General Public. Plaintiff. APPIDAVET REGARDING PROPER VENUE PURSUANT TO CIVIL CODE 15 COMCAST OF ALAMEDA, INC.; COMCAST OF CALIFORNIA II, INC.; COMCAST OF CALIFORNIA II, INC.; COMCAST OF CALIFORNIA IX, INC.; COMCAST OF CALIFORNIA V. INC.; COMCAST OF CALIFORNIA X, INC.; COMCAST OF CALIFORNIA X, INC.; COMCAST OF CALIFORNIA XIII, INC.; COMCAST OF FRESNO; INC.; COMCAST OF MARIN I. INC.; COMC COMCAST OF MARINT INC.
COMCAST OF MARINT INC. COMCAST
OF MORTHERN CALIFORNIAL INC.
COMCAST OF NORTHERN CALIFORNIA B.
BYC., COMCAST OF SACRAMENTO I LLC.
COMCAST OF SACRAMENTO B. LLC.
COMCAST OF SAN LEANDRO, INC.
COMCAST OF SIERRA VALLEYS, INC., and
DOES 1-250 25 Defendants. 27

AFFINAVIT RE-VENUE HABIT V. COMCAST

I,	Mark	N.	Todzo,	declare	as	follow	s:
----	------	----	--------	---------	----	--------	----

- I am an attorney with the Lexington Law Group, LLP, and I represent Plaintiff 1. Jon Hart ("Plaintiff") in the above-entitled action. This Affidavit is submitted concurrently with the filing of the Complaint pursuant to, and in compliance with, Civil Code §1780(c).
- Venue for this action is proper in Alameda County because a substantial portion of the transaction at issue in the Complaint took place, and is taking place in Alameda County.
- In particular, a substantial portion of the wrongful conduct at the heart of this case, Defendants' transmission of unauthorized hidden messages to the computers of customers who utilize such applications, occurred in Alameda County and affected consumers in Alameda County. Moreover, Defendants' false and misleading representations that Defendant's high speed internet access had qualities, characteristics, uses and/or benefits which it does not, were made in Alameda County.
 - Venue is therefore proper in Alameda County pursuant to Civil Code §1780(c). 4.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on November 13, 2007 at San Francisco, California.

LEXINGTON LAW GROUP, LLP Mark N. Todzo (168389) Eric S. Somers (139030) Howard J. Hirsch (213209). 1627 Irving Street San Francisco, CA 94122 Telephone: (415) 759-4111 Facsimile: (415) 759-4112 NOV 1/8/2007 Attorneys for Plaintif JON HART SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF ALAMEDA ION HART, On Behalf of Himself and All Case No. Others Similarly Situated, and On Behalf of the General Public. CLASS ACTION COMPLAINT FOR: COMCAST OF ALAMEDA, INC. COMCAST OF CALIFORNIA II, INC. COMCAST OF CALIFORNIA II, INC. COMCAST OF CALIFORNIA IX, INC. COMCAST OF CALIFORNIA V, INC. COMCAST OF CALIFORNIA V, INC. COMCAST OF CALIFORNIA X, INC. COMCAST OF CALIFORNIA X, INC. COMCAST OF CALIFORNIA X, INC. COMCAST OF MARIN I, INC. COMCAST OF NORTHERN CALIFORNIA II. INC. COMCAST OF NORTHERN CALIFORNIA II. INC. COMCAST OF NORTHERN CALIFORNIA II. INC. COMCAST OF SACRAMENTO II. LIC. COMCAST OF SIERRA VALIETYS INC. ALB (1) BREACH OF CONTRACT. BREACH OF THE COVENANT OF GOOD FAITH AND FAIR DEALING: BUSINESS AND PROFESSIONS CODE \$17200 of seq.; BUSINESS AND PROFESSIONS CODE \$17500 at sequand CONSUMER LÉGAL REMEDIES ACT DEMAND FOR JURY TRIAL COMCAST OF SIERRA VATLEYS INC. and Defendants. 25

COMPLAINT - HARTY COMCAST

COPY

 Plaintiff Jon Hart ("Plaintiff"), on behalf of himself, those similarly situated, and the general public, based on information and belief and investigation of his counsel, except for information based on personal knowledge, hereby alleges:

NATURE OF ACTION

- 1. Defendants advertise, market and sell their high speed internet service (the "Service") based on claims of "lightning fast" and "mind-blowing" speeds. Defendants further promise their customers and prospective customers that they will have "unfettered access to all the internet has to offer." Nevertheless, Defendants intentionally and severely impede the use of certain internet applications by their customers, slowing such applications to a mere crawl or stopping them altogether. This class action complaint seeks to end Defendants' practice and seeks recovery of fees paid by customers who paid for services they did not receive.
- 2. Defendants' breach of their promises to provide unfettered access to the internet constitutes a breach of its contract as well as a breach of the implied covenant of good faith and fair dealing. Defendants' marketing and advertising, all of which is based on representations of the speed at which users may download and upload content onto the internet is deceptive, given Defendants' practice of severely limiting the speed of certain internet applications such as peer-to-peer file sharing and lotus notes (the "Blocked Applications"). As such, Defendants' advertising practices violate the Consumers Legal Remedies Act (Civil Code §1750, et seq., hereinafter the "CLRA"), and constitute an unlawful, unfair and fraudulent business practice under Business & Professions Code §17500.1
- 3. Defendants impede their customers' access to the Blocked Applications by transmitting unauthorized hidden messages to the computers of customers who utilize such applications. These transmissions severely impair and/or completely block the customers' use of the Blocked Applications by telling the computers to stop communicating via such applications. Thus, Defendants' unauthorized interference with its customers' computers results

All statutory references herein are to California statutes, unless otherwise noted.

in such customers' loss of use of their computers and the Service. Accordingly, Defendants' practice constitutes unlawful acts in violation of the Computer Fraud and Abuse Act, 18 U.S.C. §1030 (the "CFAA"). Additionally, by impairing use of the Blocked Applications while permitting the unimpaired use of other applications, Defendants unfairly discriminate against certain internet applications, in violation of established Federal Communications Commission ("FCC") policy.

4. Accordingly, Plaintiff and the class seek contract damages to compensate them for the impediments to their Service. Plaintiff and the class further seek an order enjoining Defendants' acts of unfair competition and false and misleading advertising and awarding restitution to the individual victims of Defendants' unfair and deceptive practices pursuant to Business & Professions Code §§17203 and 17535. In addition, Plaintiff and the class of similarly situated California individuals on whose behalf Plaintiff brings this action seek an injunction and actual and punitive damages pursuant to the CLRA.

PARTIES

- 5. Plaintiff Jon Hart is a citizen of the State of California. Plaintiff is a "person" within the meaning of Business & Professions Code §17204, and brings this action on behalf of himself, those similarly situated and the general public. Plaintiff is a purchaser of the Service and has experienced severe limitations on the speed of the Service when he utilizes Blocked Applications.
- 6. Defendant Comcast of Alameda, Inc. is a California corporation and is a person within the meaning of Business & Professions Code §17201. Comcast of Alameda, Inc. distributes, markets and/or sells the Service for use in California.
- 7. Defendant Comcast of California II, Inc. is a California corporation and is a person within the meaning of Business & Professions Code §17201. Comcast of California II, Inc. distributes, markets and/or sells the Service for use in California.

10 11

12

13 14

15 16

17 18

19

20 21

23

22

2425

2627

28

- 8. Defendant Comcast of California III, Inc. is a California corporation and is a person within the meaning of Business & Professions Code §17201. Comcast of California III, Inc. distributes, markets and/or sells the Service for use in California.
- 9. Defendant Comcast of California IX, Inc. is a California corporation and is a person within the meaning of Business & Professions Code §17201. Comcast of California IX, Inc. distributes, markets and/or sells the Service for use in California.
- 10. Defendant Comcast of California V, Inc. is a California corporation and is a person within the meaning of Business & Professions Code §17201. Comcast of California V, Inc. distributes, markets and/or sells the Service for use in California.
- 11. Defendant Comcast of California VI, Inc. is a California corporation and is a person within the meaning of Business & Professions Code §17201. Comcast of California VI, Inc. distributes, markets and/or sells the Service for use in California.
- 12. Defendant Comcast of California X, Inc. is a California corporation and is a person within the meaning of Business & Professions Code §17201. Comcast of California X, Inc. distributes, markets and/or sells the Service for use in California.
- 13. Defendant Comcast of California XIII, Inc. is a California corporation and is a person within the meaning of Business & Professions Code §17201. Comcast of California XIII, Inc. distributes, markets and/or sells the Service for use in California.
- 14. Defendant Comcast Corporation is a Pennsylvania corporation and is a person within the meaning of Business & Professions Code §17201. Comcast Corporation distributes, markets and/or sells the Service for use in California.
- 15. Defendant Comcast of Fresno, Inc. is a California corporation and is a person within the meaning of Business & Professions Code §17201. Comcast of Fresno, Inc. distributes, markets and/or sells the Service for use in California.
- 16. Defendant Comcast of Marin I, Inc. is a California corporation and is a person within the meaning of Business & Professions Code §17201. Comcast of Marin I, Inc. distributes, markets and/or sells the Service for use in California.

1	
2	
3	

- 5
- 8
- 10
- 11 12
- 13 14
- 16
- 17 18
- 19
- 20 21
- 22 23
- 24
- 25 26
- 27
- 28

- 17. Defendant Comcast of Marin II, Inc. is a California corporation and is a person within the meaning of Business & Professions Code §17201. Comcast of Marin II, Inc. distributes, markets and/or sells the Service for use in California.
- 18. Defendant Comcast of Northern California I, Inc. is a California corporation and is a person within the meaning of Business & Professions Code §17201. Comcast of Northern California I, Inc. distributes, markets and/or sells the Service for use in California.
- 19. Defendant Comcast of Northern California II, Inc. is a California corporation and is a person within the meaning of Business & Professions Code §17201. Comcast of Northern California II, Inc. distributes, markets and/or sells the Service for use in California.
- 20. Defendant Comcast of Sacramento I, LLC is a California corporation and is a person within the meaning of Business & Professions Code §17201. Comcast of Sacramento I, LLC distributes, markets and/or sells the Service for use in California.
- Defendant Comcast of Sacramento II, LLC is a California corporation and is a 21. person within the meaning of Business & Professions Code §17201. Comcast of Sacramento II, LLC distributes, markets and/or sells the Service for use in California.
- 22. Defendant Comcast of San Leandro, Inc. is a California corporation and is a person within the meaning of Business & Professions Code §17201. Comcast of San Leandro, Inc. distributes, markets and/or sells the Service for use in California.
- 23. Defendant Comcast of Sierra Valleys, Inc. is a California corporation and is a person within the meaning of Business & Professions Code §17201. Comcast of Sierra Valleys, Inc. distributes, markets and/or sells the Service for use in California.
- 24. Defendant Does 1 through 250 are persons or entities whose true names and capacities are presently unknown to Plaintiff, and who therefore are sued by such fictitious names. Plaintiff is informed and believes, and on that basis alleges, that each of the fictitiously named defendants perpetrated some or all of the wrongful acts alleged herein and are responsible in some manner for the matters alleged herein. Plaintiff will amend this complaint to state the true names and capacities of such fictitiously named defendants when ascertained.

- 25. The term "Defendants," as used herein, is defined to mean the Defendants named in paragraphs 6-23, as well as all Defendant DOES 1-250.
- 26. At all times herein mentioned, each defendant was the agent, servant, employee, co-conspirator and/or joint venturer of each of the other defendants. In doing the things alleged in the causes of action stated herein, each and every defendant was acting within the course and scope of this agency, employment, conspiracy, and/or joint venture, and was acting with the consent, permission and authorization of each of the other defendants. All actions of each defendant, as alleged in the causes of action stated herein, were ratified, approved and/or authorized by every other defendant with full knowledge of such acts. Defendants are thus jointly and severally liable for such actions.

JURISDICTION AND VENUE

- 27. The Court has jurisdiction over this action pursuant to Business and Professions Code §17203, which allows enforcement in any court of competent jurisdiction. The California Superior Court has jurisdiction over this action pursuant to California Constitution Article VI, §10, which grants the Superior Court "original jurisdiction in all cases except those given by statute to other trial courts." The statutes under which this action is brought do not grant jurisdiction to any other trial court.
- 28. This Court has jurisdiction over Defendants because each is a corporation or partnership that has sufficient minimum contacts in California, is a citizen of California, or otherwise intentionally avails itself of the California market through its marketing and sales of the Service in the State of California and/or by having such other contacts with California so as to render the exercise of jurisdiction over it by the California courts consistent with traditional notions of fair play and substantial justice.
- 29. Venue is proper in the Alameda Superior Court pursuant to California Code of Civil Procedure Code ("CCP") §§395 and 395.5, Business & Professions Code §17204 and Civil Code §1780(c) because Defendants do business in this county, at least part of the liability arose

in this county, and a substantial part of the events and conduct giving rise to the violations of law asserted herein occurred in this county.

3

CLASS ACTION ALLEGATIONS

4 5

6

§1781, on behalf of himself and the class defined as follows:

7

8 9

10

11

12

13

14 15

16

17 18

19

20 21

22

23

24

25

26 27

28

30. Plaintiff brings this suit as a class action pursuant to CCP §382 and Civil Code

> all persons in California who purchased the Service between November 13, 2003 and the present and used or attempted to use peer-to-peer or online file sharing applications and/or lotus notes. Specifically excluded from this Class are Defendants; the officers, directors or employees of Defendants; any entity in which Defendants have a controlling interest; and any affiliate, legal representative, heir or assign of Defendants. Also excluded are any federal, state or local governmental entities, any judicial officer presiding over this action and the members of his/her immediate family and judicial staff, and any juror assigned to this action.

(the "Class").

- 31. The Class is sufficiently numerous as it includes hundreds or thousands of persons who have purchased the Service throughout California. Thus, joinder of such persons in a single action or bringing all members of the Class before the Court is impracticable. The disposition of the Class members' claims in this class action will substantially benefit both the parties and the Court.
- 32. There is a well-defined community of interest in the questions of law and fact involved in this action and affecting the parties. These common questions of law and fact substantially predominate over any questions that may affect only individual Class members. Among these common questions of law and fact are:
- whether Defendants advertise and market the Service by promoting the (a) speed at which its customers may download and upload data from the internet;
- (b) whether Defendants promise that customers of the Service will be provided with unfettered access to the internet;
 - (c) whether Defendants block the Blocked Applications:
 - whether Defendants impede the Blocked Applications; (d)

result of Defendants' wrongful conduct. Because of the nature of the individual Class members' claims, few, if any, could or would otherwise afford to seek legal redress against Defendants for the wrongs complained of herein, and a representative class action is therefore appropriate, the superior method of proceeding, and essential to the interests of justice insofar as the resolution of Class members' claims is concerned. Absent a representative class action, Class members would continue to suffer losses for which they would have no remedy, and Defendants would unjustly retain the proceeds of their ill-gotten gains. Even if separate actions could be brought by individual members of the Class, the resulting multiplicity of lawsuits would cause undue hardship and expense for the Court and the litigants, as well as create a risk of inconsistent rulings which might be dispositive of the interests of the other Class members who are not parties to the adjudications and/or may substantially impede their ability to protect their interests.

BACKGROUND FACTS

- 36. Defendants market and/or sell the Service. The Service is designed to provide Defendants' customers with high-speed access to the internet. Accordingly, Defendants refer to, market and sell the Service under the name "High Speed Internet."
- The speed at which a user is able to access the internet is one of the most 37. important aspects of internet service. Internet access speed is particularly important for individuals who download and/or upload large files and is thus particularly material to Plaintiff and members of the Class.
- 38. Users of the Blocked Applications typically download and/or upload large files, so internet access speed is particularly important to such users.
 - 39. Plaintiff and the Class are users of Blocked Applications.
- 40. Defendants' advertising and marketing of the Service revolves around claims regarding the speed of the Service. For example, Defendants make the following representations concerning the Service in their advertising:
 - Get on the fast track...fast. With Comcast High-Speed Internet, surf the web at lightning speed;

26

27

28

- Stop crawling the web and start burning rubber with scorching speeds.
- Stop crawling the web and start burning rubber with our Performance (6 Mpbs) service! And now with PowerBoost, our fast connection gets even faster.
- Zoom around the web at mind-blowing speeds.
- Comcast High-Speed Internet delivers everything you need to get the most from your Internet experience. Download at crazy-fast speeds.
- Our customers enjoy unfettered access to all the content, services, and applications that the internet has to offer.
- Way faster than DSL ... up to 4 times faster than 1.5 Mbps DSL and up to twice as fast as 3.0 Mbps DSL.
- 41. Plaintiff upgraded his internet service to Defendants' High-Speed Internet Performance Plus in September 2007 in order to gain faster uploads and downloads to and from the internet. A major reason for the upgrade, was to enable Plaintiff to utilize the Blocked Applications, which require high speed internet access.
- 42. Defendants have numerous different terms of service and/or use posted on their website. In addition, at the time a potential subscriber attempts to purchase the service on Defendants' website, a scroll window opens with the Comcast High-Speed Internet Subscriber Agreement (the "Agreement"). Although only 10-15 lines of text are visible at one time in the scroll box, if the Agreement is cut and pasted into a word processor, it is 22 pages of singlespaced text. Given these different documents referencing the terms of use of the Service, it is not easy to determine what, if any contract applies to the Service. However, all of the different terms of service promise that Defendants will provide the Service. Many of the terms of service explicitly reference the internet access speeds. For example, the Terms and Conditions state that "Comcast speed tiers range from 4.0 to 16.0 Mbps download speed (maximum upload speed from 384Kbps to 786Kbps respectively)." Significantly, none of the terms of service state that

9

18 19

20 21

22 23

24

25 26

27

28

Comcast can or will impede, limit, discontinue, block or otherwise impair or treat differently the Blocked Applications.

- 43. Plaintiff and Class members have performed their obligations under the terms of their agreements with Defendants by paying their monthly charges.
- 44. Nevertheless, Defendants severely impede and/or block the Blocked Applications used by Plaintiff and the Class. As a result of Defendants' impairment, Plaintiff and the Class experience internet upload and download speeds for the Blocked Applications that are exponentially slower than the speeds advertised by Defendants and/or experience complete blockage of their file sharing applications.
- 45. Defendants actively and intentionally slow and/or block the Blocked Applications by sending hidden messages to computers that are running file sharing applications. These hidden messages appear to the computer as coming from the other computers with which it is sharing files, telling it to stop communicating. The result is that file sharing applications are completely blocked or severely impeded.
- 46. Plaintiff and the Class did not authorize Defendants to send them hidden messages in order to block and/or impair their use of the Blocked Applications.
- 47. Plaintiff and the Class have suffered damage as a result of Defendants' transmission of unauthorized messages. Plaintiff and the Class have suffered a loss of use of their computers and the Service as a result of Defendants' unauthorized transmissions. The loss to Plaintiff and the Class exceeds \$5,000.
- 48. On September 23, 2005, the FCC issued a Policy Statement, FCC 05-155, that set out its policy that internet network services should be operated in a neutral manner. The FCC's policy of network neutrality furthers a number of principles including that:
 - "consumers are entitled to access the lawful Internet content of their choice;
 - "consumers are entitled to run applications and use services of their choice, subject to the needs of law enforcement.

27

28

 Defendants' policy of discriminating against use of the Blocked Applications violates FCC Policy Statement, FCC 05-155.

FIRST CAUSE OF ACTION

(Breach of Contract)

- 50. Plaintiff realleges and incorporates herein by reference paragraphs 1 through 49 of this Complaint.
- 51. Plaintiff and the Class entered into a written or implied contract with Defendants to pay monthly fees in order to obtain the Service.
- 52. Plaintiff and members of the Class performed their obligations under the contract by paying their monthly fees. Nevertheless, Defendants unjustifiably breached the contract by restricting Plaintiff's and the Class' access to, and use of, the Service.
- 53. Plaintiff and members of the Class were damaged by Defendants' breach of the contract in that they did not receive the Service for which they paid, and are therefore entitled to damages according to proof at trial.

Wherefore, Plaintiff prays judgment against Defendants, as set forth hereafter.

SECOND CAUSE OF ACTION

(Breach of Implied Covenant of Good Faith and Fair Dealing)

- 54. Plaintiff realleges and incorporates herein by reference paragraphs 1 through 53 of this Complaint.
- 55. In exchange for payment of a monthly fee by Plaintiff and the Class, Defendants agreed to provide the Service to Plaintiff and the Class. Defendants did not inform Plaintiff and the Class that it could or would limit their service by impeding and/or blocking the Blocked Applications. In fact, Defendants told Plaintiff and the Class that they would "enjoy unfettered access to all the content, services, and applications that the internet has to offer."
- 56. Plaintiff and members of the Class purchased the Service with the reasonable expectation that they would have full access to the Service, including when using the Blocked Applications.

.*	ı	
1		
·2		r
3		f
4		b
5		tl
. 6		e
7		
8		a
9		A
10		b
11		•
12		aı
13		a
13		n
		В
15.		
16		Pl
17	1	ш
18		
19	1	n
20]	D
21		
22	1	2]

24

25

26

27

28

	· 57.	In addition, Plaintiff and members of the Class purchased the Service with the
reas	sonable ex	pectation that Defendants would deal with them honestly, fairly, equitably, in good
faitl	h and in fi	all conformity with the fundamental and implied terms of the contract. Defendants
bro	ught about	and intended this expectation through the language used in its terms of use and in
the.	Agreemen	t, through their advertising, and through the express representations of their
emp	oloyees, ag	gents and representatives.

- 58. In breach of the covenant of good faith and fair dealing, Defendants have blocked and/or impeded use of the Service by Plaintiff and the Class by impairing use of the Blocked Applications. Defendants have thus unreasonably denied Plaintiff and Class members the benefit of their bargain.
- 59. Defendants have materially and fundamentally breached the duty of good faith and fair dealing owed to Plaintiff and members of the Class in at least the following respects:
- a. Unreasonably, secretly, and in bad faith scheming to impede use of the Blocked Applications;
- b. Unreasonably and in bad faith failing to clearly and definitely notify

 Plaintiff and members of the Class of the fact that Plaintiff and members of the Class would be
 unable to use the Blocked Applications;
- c. Unreasonably and in bad faith continuing to misrepresent to Plaintiff and members of the Class that they would enjoy unfettered access to the internet, when in fact Defendants were impeding their access to the internet; and
- d. Unreasonably and in bad faith putting the interest of Defendants ahead of Plaintiff and the Class members.
- 60. Defendants' conduct represents a failure and/or refusal to discharge their contractual responsibilities, prompted by a conscious and deliberate act, which unfairly frustrates the agreed common purposes and disappoints the reasonable expectations of Plaintiff and members of the Class and thereby deprives Plaintiff and members of the Class of the benefits of the agreed-upon terms in the Agreement.

26

27

28

61.	Plaintiff and members of the Class performed their obligations under the written
or implied con	stract by paying their monthly fees.

62. Plaintiff and members of the Class were damaged by Defendants' breach of the covenant of good faith and fair dealing in that they did not receive the benefits of the Service for which they paid, and are therefore entitled to damages according to proof at trial.

Wherefore, Plaintiff prays judgment against Defendants, as set forth hereafter.

THIRD CAUSE OF ACTION

(Violations of the Consumer Legal Remedies Act - Injunctive Relief Only)

- 63. Plaintiff realleges and incorporates herein by reference paragraphs 1 through 62 of this Complaint.
- 64. The acts and practices of Defendants as described above were intended to deceive Plaintiff and the Class members as described herein and has resulted and will result in damages to Plaintiff and the Class members. These actions violated and continue to violate the CLRA in at least the following respects:
- a. In violation of Section 1770(a)(5) of the CLRA, Defendants' acts and practices constitute representations that the Service has characteristics, uses and/or benefits which it does not;
- b. In violation of Section 1770(a)(7) of the CLRA, Defendants' acts and practices constitute representations that the Service is of a particular quality which it is not; and
- c. In violation of Section 1770(a)(9) of the Act, Defendants' acts and practices constitute the advertisement of the goods in question without the intent to sell them as advertised.
- 65. By reason of the foregoing, Plaintiff and the Class members have been irreparably harmed.
 - 66. By committing the acts alleged above, violated the CLRA.
- 67. In compliance with the provisions of California Civil Code §1782, in conjunction with the filing of this action, while the Complaint is an appropriate notice of violation, Plaintiff

13 14

15

16 17

18

19

20 21

22

23

24 25

26 27

28

will notify Defendants in writing of the particular violations of §1770 of the Act and demand Defendants rectify the actions described above by refunding the purchase price and give notice to all affected consumers of their intent to do so. Plaintiff will send this notice by certified mail, return receipt requested, to Defendants' principal places of business.

Document 1-2

- 68. If Defendants fail, within thirty days after receipt of the §1782 notice, to adequately respond to Plaintiff's demand to rectify the wrongful conduct described above on behalf of all Class members, Plaintiff will amend the Complaint to seek actual and punitive damages for violations of the CLRA.
- 69. Plaintiff and Class members are entitled, pursuant to California Civil Code §1780(a)(2), to an order: (1) enjoining the above-described wrongful acts and practices; (2) requiring payment of damages to Plaintiff and the Class; and (3) requiring the payment of restitution to Plaintiff and the Class. In addition, Plaintiff and the Class are entitled to the payment of costs and attorneys' fees and any other relief deemed appropriate and proper by the Court under California Civil Code §1780(d).

Wherefore, Plaintiff prays judgment against Defendants, as set forth hereafter.

FOURTH CAUSE OF ACTION

(Violations of Business & Professions Code §17200 et seq. **Based On Fraudulent Acts And Practices)**

- 70. Plaintiff realleges and incorporates herein by reference paragraphs 1 through 69 of this Complaint.
- 71. Under Business & Professions Code §17200, any business act or practice that is likely to deceive members of the public constitutes a fraudulent business act or practice.
- 72. Defendants have engaged and continue to engage in conduct that is likely to deceive Plaintiff and members of the Class, all of whom are members of the general public. This conduct includes, but is not limited to, promoting and advertising the fast speeds that apply to the Service without limitation, when, in fact, Defendants severely limit the speed of the Service for certain applications. It further includes Defendants' misrepresentations that its customers will enjoy "unfettered access" to all internet applications, when, in fact, Defendants not only fetter

certain applications, but completely block them. Further, Defendants deceive consumers into purchasing the Service in the mistaken belief that they will be able to utilize the Service for file sharing applications, while actively limiting and/or blocking such applications.

- 73. The speed at which a user is able to access the internet is an important and material factor to consumers of high speed internet services and is especially important and material to users of Blocked Applications including Plaintiff and the Class.
- 74. By committing the acts alleged above, Defendants have engaged in fraudulent business acts and practices, which constitute unfair competition within the meaning of Business & Professions Code §17200.
- 75. Plaintiff and the Class have all paid money for the Service. However, Plaintiff and the Class did not obtain the full value of the advertised Service due to Defendants' undisclosed obstruction of certain file sharing applications. Accordingly, Plaintiff and the Class have suffered injury in fact and lost money or property as a result of Defendants' acts of false advertising.
- 76. An action for injunctive relief and restitution is specifically authorized under Business & Professions Code §17203.

Wherefore, Plaintiff prays judgment against Defendants, as set forth hereafter.

FIFTH CAUSE OF ACTION

(Violations of Business & Professions Code §17500 et seq.)

- 77. Plaintiff realleges and incorporates by reference as if specifically set forth herein Paragraphs 1 through 76 inclusive.
- 78. Business & Professions Code §17500 provides that it is unlawful for any corporation to knowingly make, by means of any advertising device or otherwise, any untrue or misleading statement with the intent to sell a product or service, or to induce the public to purchase a product or service. Any statement in advertising that is likely to deceive members of the public constitutes false and misleading advertising under Business & Professions Code §17500.

- 79. Defendants have disseminated, and continues to disseminate advertising, that they know or should reasonably know is false and misleading. This conduct includes, but is not limited to, promoting and advertising the fast speeds that apply to the Service without limitation, when, in fact, Defendants severely limit the speed of the Service for certain applications. It further includes Defendants' misrepresentations that their customers will enjoy "unfettered access" to all internet applications, when, in fact, Defendants not only fetter certain applications, but completely block them. Defendants know or reasonably should know that this advertising is false and misleading as set forth in detail in the preceding paragraphs.
- 80. By committing the acts alleged above, Defendants have knowingly disseminated untrue and/or misleading statements in an advertising or other device in order to sell or induce members of the public to purchase the Service, in violation of Business & Professions Code §17500.
- Plaintiff and the Class have all paid money for the Service. However, Plaintiff and the Class did not obtain the full value of the advertised Service due to Defendants' undisclosed obstruction of the Blocked Applications. Accordingly, Plaintiff and the Class have suffered injury in fact and lost money or property as a result of Defendants' acts of false advertising.
- 82. An action for injunctive relief and restitution is specifically authorized for violations of Business & Professions Code §17500 et seq. under Business & Professions Code §17535. Business & Professions Code §17534.5 provides that "the remedies or penalties provided by this chapter are cumulative to each other and to the remedies or penalties available under all other laws of this state."

Wherefore, Plaintiff prays judgment against Defendants, as set forth hereafter.

SIXTH CAUSE OF ACTION

(Violations of Business & Professions Code §17200 et seq. Based on Commission of Unlawful Acts)

83. Plaintiff realleges and incorporates by reference as if specifically set forth herein Paragraphs 1 through 82 inclusive.

- 84. The violation of any law constitutes an unlawful business practice under Business & Professions Code §17200.
- As detailed more fully in the preceding paragraphs, the acts and practices alleged herein were intended to or did result in the sale of the Service in violation of the CLRA, Civil Code Section 1750, et seq., and specifically Section 1770(a)(5), Section 1770(a)(7), and Section 1770(a)(9).
- 86. As detailed more fully above, Defendants have committed violations of Business & Professions Code §17500 et seq. by knowingly disseminating and continuing to disseminate false and misleading advertisements regarding the Service.
- 87. By violating the CLRA and Business & Professions Code §17500, Defendants have engaged in unlawful business acts and practices which constitute unfair competition within the meaning of Business & Professions Code §17200.
- 88. Under the CFAA, it is unlawful to knowingly and without authorization cause the transmission of a program, information, code or command to a computer used for interstate commerce or communication, where such transmission causes damage, and the aggregate resulting loss is at least \$5,000 in value. 18 U.S.C. §1030(a)(5). By sending unauthorized secret messages to the computers of Plaintiff and the Class in order to block and/or impede their use of the Blocked Applications, Defendants have caused Plaintiff and the Class to suffer damage and loss as set forth above, in an aggregate amount in excess of \$5,000. Accordingly, Defendants have violated the CFAA.
- 89. By violating the CFAA, Defendants have engaged in unlawful business acts and practices which constitute unfair competition within the meaning of Business & Professions Code §17200.
- 90. As detailed above, Defendants' practice of discriminating against use of the Blocked Applications violates FCC Policy Statement, FCC 05-151. By violating the FCC policy, Defendants have engaged in unlawful business acts and practices which constitute unfair competition within the meaning of Business & Professions Code §17200.

- 91. Plaintiff and the Class have all paid money for the Service. However, Plaintiff and the Class did not obtain the full value of the advertised Service due to Defendants' undisclosed obstruction of certain file sharing applications. Accordingly, Plaintiff and the Class have suffered injury in fact and lost money or property as a result of Defendants' acts of false advertising.
- 92. An action for injunctive relief and restitution is specifically authorized under Business & Professions Code §17203.

Wherefore, Plaintiff prays judgment against Defendants, as set forth hereafter.

SEVENTH CAUSE OF ACTION

(Violations of Business & Professions Code §17200 et seq. Based on Unfair Acts and Practices)

- 93. Plaintiff realleges and incorporates by reference as if specifically set forth herein Paragraphs 1 through 92 inclusive.
- 94. Under Business & Professions Code §17200, any business act or practice that is unethical, oppressive, unscrupulous and/or substantially injurious to consumers, or that violates a legislatively declared policy, constitutes an unfair business act or practice.
- 95. Defendants have engaged, and continues to engage, in conduct which is immoral, unethical, oppressive, unscrupulous and/or substantially injurious to consumers. This conduct includes, but is not limited to misrepresenting that its customers enjoy unfettered access to all internet applications while at the same time severely limiting access to certain applications by sending hidden messages to its customers computers. Defendants deceive consumers into purchasing the Service in the mistaken belief that they will be able to utilize the Service for use of the Blocked Applications, while actively limiting and/or blocking such applications. Defendants' scheme was and is immoral, unethical, oppressive, unscrupulous and/or substantially injurious to consumers. The gravity of harm caused by Defendants' conduct as described herein far outweighs the utility, if any, of such conduct.
- 96. Defendants have engaged, and continue to engage, in conduct which violates the legislatively declared policy of the CLRA against misrepresenting the characteristics, uses,

benefits, and quality of goods and services for sale. In addition, Defendants have engaged, and continue to engage in conduct which violates the policies behind the CFAA and FCC Policy 05-151.

- 97. By committing the acts alleged above, Defendants have engaged in unfair business acts and practices which constitute unfair competition within the meaning of Business & Professions Code §17200.
- 98. Plaintiff and the Class have all paid money for the Service. However, Plaintiff and the Class did not obtain the full value of the advertised Service due to Defendants' undisclosed obstruction of certain file sharing applications. Accordingly, Plaintiff and the Class have suffered injury in fact and lost money or property as a result of Defendants' acts of false advertising.
- 99. An action for injunctive relief and restitution is specifically authorized under Business & Professions Code §17203.

Wherefore, Plaintiff prays judgment against Defendants, as set forth hereafter.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment and relief against Defendants as follows:

- A. That the Court declare this a class action;
- B. That the Court preliminarily and permanently enjoin Defendants from conducting their businesses through the unlawful, unfair or fraudulent business acts or practices, untrue and misleading advertising and other violations of law described in this Complaint;
- C. That the Court order Defendants to conduct a corrective advertising and information campaign advising consumers that the Service does not have the characteristics, uses, benefits, and quality Defendants have claimed;
- D. That the Court order Defendants to implement whatever measures are necessary to remedy the unlawful, unfair or fraudulent business acts or practices, untrue and misleading advertising and other violations of law described in this Complaint;

JURY DEMAND

Plaintiff demands a trial by jury on all causes of action so triable.

DATED: November 13, 2007

Respectfully submitted,

LEXINGTON LAW GROUP, LLP

Mark N. Todzo, Esq. Attorneys for Plaintiff JON HART

- 21 ·

Lexington Law Group, LLP Comcast Of Alameda, Inc. Attn: Todzo, Mark N. 1627 Irving Street San Francisco, CA 94122 Superior Court of California, County of Alameda

Rene C. Davidson Alameda County Courthouse

Hart

Plaintiff/Petitioner(s)

No. RG07355993

VS.

Comcast Of Alameda, Inc.

NOTICE OF HEARING

Defendant/Respondent(s)

(Abbreviated Title)

To each party or to the attorney(s) of record for each party herein: Notice is hereby given that the above-entitled action has been set for:

> Complex Determination Hearing Case Management Conference

You are hereby notified to appear at the following Court location on the date and time noted below:

Complex Determination Hearing:

DATE: 12/20/2007 TIME: 02:00 PM DEPARTMENT: 20

LOCATION: Administration Building, Fourth Floor

1221 Oak Street, Oakland

Case Management Conference:

DATE: 01/24/2008 TIME: 02:00 PM **DEPARTMENT: 20**

LOCATION: Administration Building, Fourth Floor

1221 Oak Street, Oakland

NOV 2 1 2007

LEGALDIVISION

Pursuant to California Rules of Court, Rule 3.400 et seq. and Local Rule 4.2 (Unified Rules of the Superior Court, County of Alameda), the above-entitled matter is set for a Complex Litigation Determination Hearing and Initial Complex Case Management Conference.

Department 20 issues tentative rulings on DomainWeb (www.alameda.courts.ca.gov/domainweb). For parties lacking access to DomainWeb, the tentative ruling must be obtained from the clerk at (510) 267-6936. Please consult Appendix E to Local Rules 4 and 5 of the Unified Rules of the Superior Court, County of Alameda, concerning the tentative ruling procedures for Department 20.

Counsel or party requesting complex litigation designation is ordered to serve a copy of this notice on all parties omitted from this notice or brought into the action after this notice was mailed.

All counsel of record and any unrepresented parties are ordered to attend this Initial Complex Case Management Conference unless otherwise notified by the Court.

Failure to appear, comply with local rules or provide a Case Management Conference statement may result in sanctions.

All motions in this matter to be heard prior to Complex Litigation Determination Hearing must be scheduled for hearing in Department 20.

If the information contained in this notice requires change or clarification, please contact the courtroom clerk for Department 20 by e-mail at Dept.20@alameda.courts.ca.gov or by phone at (510) 267-6936.

TELEPHONIC COURT APPEARANCES at Case Management Conferences may be available by contacting CourtCall, an independent vendor, at least 3 business days prior to the scheduled conference. Parties can make arrangements by calling (888) 882-6878, or faxing a service request form to (888) 883-2946. This service is subject to charges by the vendor.

Dated: 11/14/2007

Executive Officer / Clerk of the Superior Court

Ву

Burg L.

Deputy Clerk

CLERK'S CERTIFICATE OF MAILING

I certify that the following is true and correct: I am the clerk of the above-named court and not a party to this cause. I served this Notice by placing copies in envelopes addressed as shown hereon and then by sealing and placing them for collection, stamping or metering with prepaid postage, and mailing on the date stated below, in the United States mail at Alameda County, California, following standard court practices.

Executed on 11/14/2007.

Ву

Guif L

Deputy Clerk

```
Mark N. Todzo, State Bar No. 168389
Eric S. Somers, State Bar No. 139050
     1
     2
             Howard J. Hirsch, State Bar No. 213209
             Ryan Cabinte, State Bar No. 230792
LEXINGTON LAW GROUP, LLP
     3
             1627 Irving Street
             San Francisco, CA 94122
Telephone: (415) 759-4111
     4
    5
            Facsimile: (415) 759-4112
    6
             Attorneys for Plaintiff
            JON HART
    7
    8
    9
                                          IN THE SUPERIOR COURT OF THE STATE CALIFORNIA
  10
                                                                  FOR THE COUNTY OF ALAMEDA
 11
            JON HART, On Behalf of Himself and All Others
                                                                                                                              PROOF OF SERVICE
 12
            Similarly Situated, and On Behalf of the General
            Public.
 13
                                                                                                                              Case No.: RG 07-355993
                                                                                                   Plaintiff,
 14
 15
         COMCAST OF ALAMEDA, INC.; COMCAST OF CALIFORNIA II, INC.; COMCAST OF CALIFORNIA III, INC.; COMCAST OF CALIFORNIA IX, INC.; COMCAST OF CALIFORNIA V, INC.; COMCAST OF CALIFORNIA VI, INC.; COMCAST OF CALIFORNIA X, INC.; COMCAST OF CALIFORNIA XIII, INC.; COMCAST OF CALIFORNIA XIII, INC.; COMCAST OF CALIFORNIA XIII, INC.; COMCAST OF MARIN II, INC.; COMCAST OF MARIN II, INC.; COMCAST OF MARIN II, INC.; COMCAST OF NORTHERN CALIFORNIA I, INC.; COMCAST OF NORTHERN CALIFORNIA II, INC.; COMCAST OF SACRAMENTO I, LLC; COMCAST OF SACRAMENTO II, LLC; COMCAST OF SIERRA VALLEYS, INC.; and DOES 1-250
           COMCAST OF ALAMEDA, INC.; COMCAST OF
 16
 17
 18
19
20
21
22
23
           VALLEYS, INC.; and DOES 1-250
24
                                                                                            Defendants.
25
26
27
28
```

Hart v. Comcast of Alameda, Inc., et al. Alameda Superior Case No. RG 07-355993 SERVICE LIST

Chief Executive Officer Comcast of Alameda, Inc. 1500 Market Street Philadelphia, PA 19102	Chief Executive Officer Comcast of California II, Inc. 1500 Market Street Philadelphia, PA 19102
Chief Executive Officer Comcast of California III, Inc. 1500 Market Street Philadelphia, PA 19102	Chief Executive Officer Comcast of California IX, Inc. 1500 Market Street Philadelphia, PA 19102
Chief Executive Officer Comcast of California V, Inc. 1500 Market Street Philadelphia, PA 19102	Chief Executive Officer Comcast of California VI, Inc. 1500 Market Street Philadelphia, PA 19102
Chief Executive Officer Comcast of California X, Inc. 1500 Market Street Philadelphia, PA 19102	Chief Executive Officer Comcast of California XIII, Inc. 1500 Market Street Philadelphia, PA 19102
Brian L. Roberts Chief Executive Officer Comcast Corporation 1500 Market Street Philadelphia, PA 19102	Chief Executive Officer Comcast of Fresno, Inc. 1500 Market Street Philadelphia, PA 19102
Chief Executive Officer Comcast of Marin I, Inc. 1500 Market Street Philadelphia, PA 19102	Chief Executive Officer Comcast of Marin II, Inc. 1500 Market Street Philadelphia, PA 19102
Chief Executive Officer Comcast of Northern California I, Inc. 1500 Market Street Philadelphia, PA 19102	Chief Executive Officer Comcast of Northern California II, Inc. 1500 Market Street Philadelphia, PA 19102
Principal Comcast of Sacramento I, LLC 1500 Market Street Philadelphia, PA 19102	Principal Comcast of Sacramento II, LLC 1500 Market Street Philadelphia, PA 19102
Chief Executive Officer Comcast of San Leandro, Inc. 1500 Market Street Philadelphia, PA 19102	Chief Executive Officer Comcast of Sierra Valleys, Inc. 1500 Market Street Philadelphia, PA 19102

LEXINGTON LAW GROUP, LLP 1627 IRVING STREET SAN FRANCISCO, CALIFORNIA 94122

Tel.: (415) 759-4111

Fax: (415) 759-4112

NOV 19 2007

LEGALDIVISION

November 13, 2007

Via Certified Mail, Return Receipt Requested

Chief Executive Officer Comcast of Northern California I, Inc. 1500 Market Street Philadelphia, PA 19102

Re: Consumers Legal Remedies Act Notice and Demand

Dear Sir or Madam:

We represent Jon Hart, on whose behalf we are sending this letter pursuant to California Civil Code §1782 in order to notify Comcast of Northern California I, Inc. ("Comcast") of the nature of his claim, and to demand curative action. Mr. Hart intends to pursue violations of California Civil Code §1770 (the Consumers Legal Remedies Act or "CLRA") against Comcast on behalf of himself and all other similarly situated consumers.

Specifically, Mr. Hart hereby notifies Comcast that Comcast has engaged in ongoing deceptive, unfair and unlawful conduct in connection with its high speed internet service. Comcast promises its customers and prospective customers internet access at "lightning fast" speed and that they will have "unfettered access to all the internet has to offer." Despite these promises, Comcast intentionally and severely limits the speed of certain internet applications such as peer-to-peer file sharing and lotus notes (the "Blocked Applications") used by Comcast's high speed internet service purchasers. Comcast's unauthorized interference with its customers' computers results in such customers' loss of use of their computers and high speed internet service.

The above acts and practices constitute violations of the following provisions of California Civil Code §1770, inter alia:

- a. In violation of Section 1770(a)(5) of the CLRA, Comcast's acts and practices constitute representations that the Comcast's high speed internet service has characteristics, uses and/or benefits which it does not;
- b. In violation of Section 1770(a)(7) of the CLRA, Comcast's acts and practices constitute representations that Comcast's high speed internet service is of a

CEO, Comcast of Northern California I, Inc. November 13, 2007

Page 2

particular quality which it is not; and

In violation of Section 1770(a)(9) of the Act, Comcast's acts and practices constitute the advertisement of Comcast's high speed internet service in question without the intent to sell them as advertised.

Document 1-2

Pursuant to California Civil Code §1782, on behalf of himself and all similarly situated consumers, Mr. Hart hereby demands that Comcast correct and rectify its violations of California Civil Code §1770. Specifically, Mr. Hart demands that Comeast immediately undertake all of the following actions to satisfy the requirements of California Civil Code §1782(c):

- 1. Immediately identify or make a reasonable attempt to identify all persons in California who have purchased high speed internet service from Comcast since November 13, 2004 who have used or attempted to use any of the Blocked Applications;
- 2. Immediately notify all such identified purchasers that upon their request Comcast shall make appropriate remedy for its wrongful actions, including payment for all damages, interests, and costs to all affected purchasers of Comcast's high speed internet service;
- 3. Immediately fulfill any requests received pursuant to number 2 above, including the payment of damages to all identified purchasers;
- 4. Immediately engage in a corrective advertising campaign to inform consumers in California that despite's Comcast's promises to provide unfettered high speed internet service to its customers, Comcast engaged in a practice of impeding its customers' access to the blocked applications by transmitting unauthorized hidden messages to the computers of customers who utilize such applications; and
- 5. Immediately cease and refrain from its practice of impeding its customers' access to the blocked applications by transmitting unauthorized hidden messages to the computers of customers who utilize such applications.

If any of these items cannot be performed immediately, please state why it cannot be done immediately and promise to undertake such action within a reasonable time.

CEO, Comcast of Northern California I, Inc. November 13, 2007

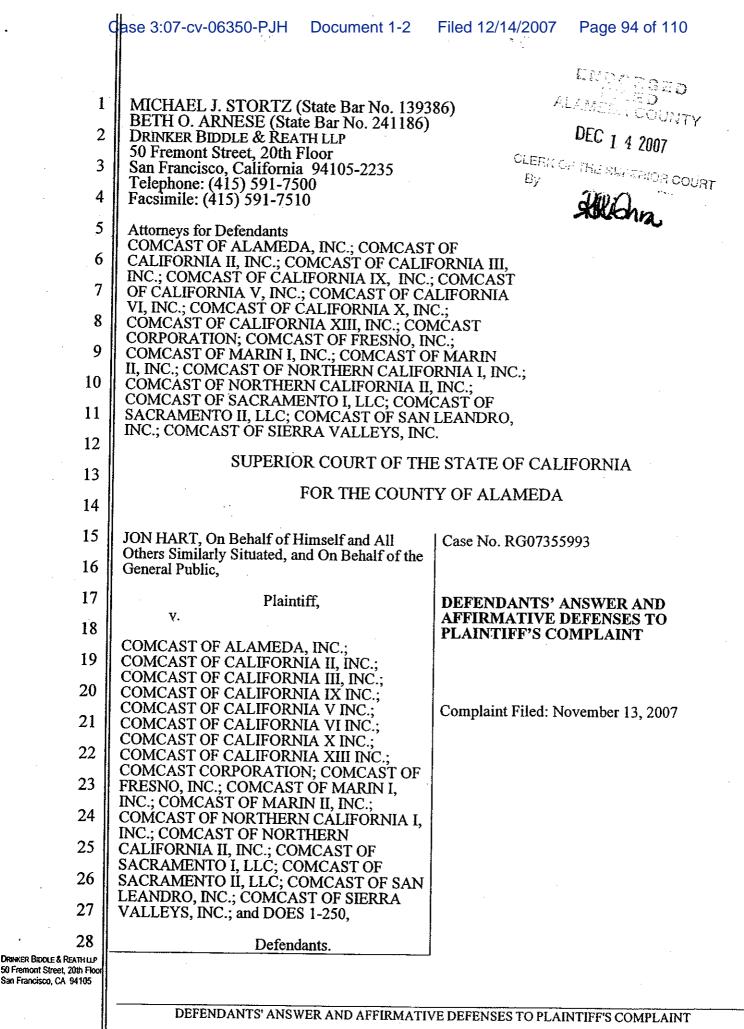
Page 3

Mr. Hart intends to seek actual damages, punitive damages, and any other damages permitted under the Act if you do not provide a full and adequate response to this letter showing compliance with California Civil Code §1782(c) within 30 days.

Should you have any questions regarding this matter, please have your attorney contact me.

Yours very truly,

Mark N. Todzo



1 | 2 | C | 3 | C | 4 | C | 5 | C | 6 | S | 7 | C | 8 | he | 9 |

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

Defendants Comcast of Alameda, Inc., Comcast of California II, Inc., Comcast of California III, Inc., Comcast of California IX, Inc., Comcast of California V, Inc., Comcast of California VI, Inc., Comcast of California X, Inc., Comcast of California XIII, Inc., Comcast Corporation, Comcast of Fresno, Inc., Comcast of Marin I, Inc., Comcast of Marin II, Inc., Comcast of Northern California I, Inc., Comcast of Sacramento I, LLC, Comcast of Sacramento II, LLC, Comcast of San Leandro, Inc., and Comcast of Sierra Valleys, Inc. (collectively, "Comcast"), for themselves and themselves alone, hereby answer and respond to Plaintiff's Complaint ("Complaint") as follows:

GENERAL DENIAL

Pursuant to Section 431.30(d) of the California Code of Civil Procedure, Comcast generally denies each and every allegation in the Complaint, and each purported cause of action therein, including, without limitation, that Plaintiff is entitled to any of the relief requested, that Comcast is liable for any alleged wrongful conduct or omission, and that any alleged conduct or omissions of Comcast, or any of its officers, directors, employees or agents, caused any alleged injury or damage to Plaintiff in the manner or amount alleged, or at all.

AFFIRMATIVE DEFENSES

Based on knowledge and information available to Comcast to date, Comcast is informed and believes and therefore sets forth the following affirmative defenses to Plaintiff's Complaint. By stating the matters set forth herein, Comcast does not allege or admit that it has the burden of proof and/or persuasion with respect to any of these matters, and does not assume the burden of proof or persuasion with respect to any matter as to which Plaintiff has the burden of proof or persuasion.

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim)

The Complaint, and each cause of action and allegation therein, fails to state facts sufficient to constitute a cause of action upon which relief can be granted.

27 | ///

8 || ///

28

Drinker Biddle & Reath LLP 50 Fremont Street, 20th Floor San Francisco, CA 94105

SECOND AFFIRMATIVE DEFENSE

(Federal Preemption)

Under the preemption doctrines, including, but not limited to the doctrines of complete preemption, implied preemption, express preemption, field preemption and/or conflict preemption, Plaintiff fails to state facts sufficient to constitute a cause of action created by or recognized under any California statute, regulation or common law, because state law causes of action as alleged in the Complaint have been preempted in their entirety by federal law and regulations promulgated thereunder, including, but not limited to, the Federal Communications Act and orders and regulations of the Federal Communications Commission ("FCC").

THIRD AFFIRMATIVE DEFENSE

(Justifiable Actions)

Any conduct undertaken by Comcast concerning or relating to Plaintiff was in all respects fair, justified, or privileged and was done without malice, unlawful means or intent to injure Plaintiff or any other individual or entity.

FOURTH AFFIRMATIVE DEFENSE

(No Injury or Damage)

Comcast alleges that Plaintiff has not suffered any injury or damage, and denies that it is liable to Plaintiff for any injury or damage claimed or for any injury or damage whatsoever.

FIFTH AFFIRMATIVE DEFENSE

(Lack of Standing)

Plaintiff's claims are barred, in whole or in part, because Plaintiff lacks standing to assert any or all of the causes of action alleged in the Complaint and lacks standing to recover individually and/or on behalf of the general public and/or the putative class.

SIXTH AFFIRMATIVE DEFENSE

(Contributory Negligence)

Plaintiff's claims are barred, in whole or in part, by the doctrine of contributory negligence because Plaintiff's own conduct caused and/or contributed to his alleged injuries.

18

19

20

21

22

23

24

25

26

27

28

///

1

2

3

4

5

6

7

8

Drinker Biddle & Reath LLP 50 Fremont Street, 20th Floor San Francisco, CA 94105

SEVENTH AFFIRMATIVE DEFENSE

(Comparative Fault)

Plaintiff's claims are barred, in whole or in part, by the doctrine of comparative fault because Plaintiff's own conduct caused and/or contributed to his alleged injuries.

EIGHTH AFFIRMATIVE DEFENSE

(Assumption of the Risk)

Plaintiff's claims are barred, in whole or in part, by the doctrine of assumption of the risk because Plaintiff's own conduct caused and/or contributed to his alleged injuries.

NINTH AFFIRMATIVE DEFENSE

(Intervening Acts of Others/Superseding Causes or Circumstances)

To the extent Plaintiff has suffered any injury or damage, which Comcast denies, such injury or damage was caused by persons and entities other than Comcast or by superseding causes or circumstances. Such intervening and superseding conduct of others and causes or circumstances bars and/or diminishes recovery, if any, by Plaintiff or any member of the general public or any class against Comcast.

TENTH AFFIRMATIVE DEFENSE

(No Reliance)

Plaintiff's claims are barred, in whole or in part, because Plaintiff did not rely on the statements or omissions of which Plaintiff now complains.

ELEVENTH AFFIRMATIVE DEFENSE

(Ratification/Benefits Realized)

Plaintiff has enjoyed the benefits of the products that are the subject of the Complaint, and is thereby barred, in whole or in part, from pursuing one or more of the claims for relief set forth in the Complaint.

TWELFTH AFFIRMATIVE DEFENSE

(Equitable Doctrines)

Plaintiff's claims are barred, in whole or in part, by equitable doctrines including, but not limited to, the doctrines of waiver, estoppel, equitable estoppel, laches and failure to read.

3

7

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19 20

21

22

23

24

25

26

27

28 Drinker Biodle & Reath LLP

50 Fremont Street, 20th Floor San Francisco, CA 94105

THIRTEENTH AFFIRMATIVE DEFENSE

(Voluntary Payment Doctrine)

Plaintiff is barred from recovering, in whole or in part, based on the voluntary payment doctrine.

FOURTEENTH AFFIRMATIVE DEFENSE

(Unclean Hands)

Plaintiff's claims are barred, in whole or in part, by the doctrine of unclean hands.

FIFTEENTH AFFIRMATIVE DEFENSE

(Acquiescence)

Plaintiff's claims are barred, in whole or in part, by the equitable doctrine of acquiescence.

SIXTEENTH AFFIRMATIVE DEFENSE

(Ratification/Consent)

Plaintiff's claims are barred, in whole or in part, because Plaintiff approved all the acts and omissions about which he now complains. In addition to other manifestations of consent, Plaintiff agreed to be bound by the terms and conditions and/or limitations on liability of Comcast's Agreement for Residential Services and Acceptable Use Policy when Plaintiff used the services provided by Comcast.

SEVENTEENTH AFFIRMATIVE DEFENSE

(Wrongful Acts of Plaintiff)

Based on the allegations of Plaintiff's Complaint, it appears that Plaintiff intentionally or recklessly disregarded his own interests, through action or inaction, and/or violated the terms of Comcast's Agreement for Residential Services and Acceptable Use Policy and/or otherwise committed wrongdoing, and that such acts and/or omissions were the proximate cause of all or some of Plaintiff's injuries, if any. By reason of the foregoing, Plaintiff is barred, in whole or in part, from recovering any amounts in this proceeding.

27 | ///

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

28

| | ///

Drinker Biddle & Reath LLP 50 Fremont Street, 20th Floor San Francisco, CA 94105

EIGHTEENTH AFFIRMATIVE DEFENSE

(Subject Matter Jurisdiction)

The Court lacks jurisdiction over some or all of the claims in Plaintiff's Complaint.

NINETEENTH AFFIRMATIVE DEFENSE

(Plaintiff's Claims Unconstitutional)

Plaintiff's claims are barred, in whole or in part, because they are in contravention of Comcast's rights under applicable clauses of the United States and California Constitutions, including without limitation, including, but not limited to the fact that: (a) Plaintiff's claims constitute an impermissible burden on interstate commerce in violation of Article I, Section 8 of the United States Constitution; (b) said claims violate the Excessive Fines Clause of the Eighth Amendment to the United States Constitution; (c) said claims violate Comcast's right to Due Process under the Fourteenth Amendment to the United States Constitution and under the California Constitution; (d) said claims contravene the constitutional prohibition against vague and overbroad laws; (e) said claims reflect an unlawful delegation of prosecutorial power to private parties in violation of Article II of the United States Constitution, the separation of powers doctrine, and the provisions of Article V of the California Constitution; and (f) an award on said claims would work an unlawful taking of property in violation of the Fifth and Fourteenth Amendments of the United States Constitution and Article I, Section 19 of the California Constitution.

TWENTIETH AFFIRMATIVE DEFENSE

(Restitution Unconstitutional)

Any award of restitution under Cal. Bus. & Prof. Code § 17203: (a) would violate the Excessive Fines Clauses of the Eighth Amendment (as incorporated by the Due Process Clause of the Fourteenth Amendment) to the United States Constitution and of Article I, Section 17 of the California Constitution; (b) would violate the Due Process Clause of the Fourteenth Amendment to the United States Constitution, and of Article I, section 7 of the California Constitution, because the standards of liability under these statutes are unduly vague and subjective, and permit retroactive, random, arbitrary, and capricious punishment that serves no

2

1

3

5

6

7

8

10

11

12

13

14

15 16

17

_ .

18 19

20

21

22

23

24

25

26

27

28

Drinker Biddle & Reath LLP 50 Fremont Street, 20th Floor San Francisco, CA 94105

15 16

13

14

18 19

17

2021

22

23

24

25

2627

28

///

DRINKER BIDDLE & REATH LLP 50 Fremont Street, 20th Floor San Francisco, CA 94105 legitimate governmental interest; and, (c) would constitute a taking of property without just compensation in violation of the Takings Clauses of the Fifth Amendment of the United States Constitution (as incorporated by the Due Process Clause of the Fourteenth Amendment to the United States Constitution), and of Article I, Section 19 of the California Constitution.

TWENTY-FIRST AFFIRMATIVE DEFENSE

(Constitutional Defects with Punitive Damages)

Any award of punitive damages in this case (a) would violate the Due Process Clauses of the Fifth and Fourteenth Amendments to the United States Constitution, and of Article I, section 7 of the California Constitution, and would constitute excessive fines under the Excessive Fines Clauses of the Eighth Amendment (as incorporated by the Due Process Clause of the Fourteenth Amendment) to the United States Constitution; (b) would violate the Fourth, Fifth and Sixth Amendments and the Due Process Clauses of the Fifth and Fourteenth Amendments to the United States Constitution; (c) would violate the Contracts Clauses of the United States and California Constitutions.

TWENTY-SECOND AFFIRMATIVE DEFENSE

(Award of Damages to Those Who Will Not Acknowledge Full Settlement of Claims Unconstitutional)

Any award of damages, restitution or disgorgement under the California Business & Professions Code or the California Civil Code to Plaintiff and/or any putative class member who refuses to execute an acknowledgment that the payment is in full settlement of claims against Comcast would violate the Due Process Clauses of the United States and California Constitutions and the Excessive Fines Clause of the California Constitution.

TWENTY-THIRD AFFIRMATIVE DEFENSE

(Constitutional Defect with Award to Those Not Damaged)

To the extent Plaintiff purports to seek relief on behalf of any person who has not suffered any damages, the Complaint and each claim for relief therein violates the right of Comcast to due process under the California and United States Constitutions.

2 3

4

5 6

7 8

9

10

11

12 13

14

15

16

17

18

19

20

21

22

23

24

25

26 27

28

KER BIDOLE & REATH LLP 50 Fremont Street, 20th Floor in Francisco, CA 94105

TWENTY-FOURTH AFFIRMATIVE DEFENSE

(Proper Parties)

Plaintiff's claims are barred, in whole or in part, to the extent that they are asserted against Defendants that are not proper parties to this action. Defendants reserve the right to seek dismissal of such parties at a later stage in this proceeding.

TWENTY-FIFTH AFFIRMATIVE DEFENSE

(Right to Arbitration)

To the extent Plaintiff and/or putative class members are parties to valid agreements to arbitrate, their claims are not properly brought in this Court.

TWENTY-SIXTH AFFIRMATIVE DEFENSE

(Statute of Limitations)

Plaintiff's claims are barred, in whole or in part, by applicable statutes of limitation, including, but not limited to, Cal. Bus. & Prof. Code § 17208, Cal. Code of Civil Procedure §§ 337, 338 and 343 and Cal. Civil Code § 1783, and those set forth in Comcast's Residential Service Agreement.

TWENTY-SEVENTH AFFIRMATIVE DEFENSE

(Class Action Inappropriate)

Plaintiff's claims are barred, in whole or in part, because this case is not appropriate for class action treatment.

TWENTY-EIGHTH AFFIRMATIVE DEFENSE

(Not a Proper Representative)

Plaintiff's claims are barred, in whole or in part, because Plaintiff is not a proper representative to bring this action on behalf of the general public or any proposed class.

TWENTY-NINTH AFFIRMATIVE DEFENSE

(Adequate Remedy At Law)

Plaintiff is not entitled to equitable relief because Plaintiff has adequate remedies at law, and/or the equitable relief sought is neither necessary nor proper under applicable law.

///

THIRTIETH AFFIRMATIVE DEFENSE

(No Restitution or Disgorgement)

To the extent Plaintiff suffered any injury or damage, which Comcast denies, Plaintiff is not entitled to restitution or disgorgement of profits under Bus. & Prof. Code Sections 17200, et seq.

THIRTY-FIRST AFFIRMATIVE DEFENSE

(No Attorneys' Fees)

To the extent Plaintiff seeks recovery of attorneys' fees, such fees are not recoverable.

THIRTY-SECOND AFFIRMATIVE DEFENSE

(No Punitive Damages)

To the extent Plaintiff seeks recovery of punitive damages, such damages are not recoverable.

THIRTY-THIRD AFFIRMATIVE DEFENSE

(Uncertain/Unmanageable Damages)

Plaintiff's claims are barred, in whole or in part, because Plaintiff's requested monetary relief, if any, is too speculative and/or too remote and/or impossible to prove and/or allocate.

THIRTY-FOURTH AFFIRMATIVE DEFENSE

(Failure to Mitigate)

To the extent Plaintiff suffered any injury or damages, which Comcast denies, Plaintiff's claims are barred, in whole or in part, because Plaintiff failed to mitigate his damages or by of the doctrine of avoidable consequences.

THIRTY-FIFTH AFFIRMATIVE DEFENSE

(Election of Remedies)

Plaintiff seeks mutually inconsistent remedies, thereby prejudicing Comcast.

THIRTY-SIXTH AFFIRMATIVE DEFENSE

(Business Judgment/Lawful Practice)

The challenged conduct constitutes a reasonable exercise of business judgment which is not forbidden by law.

26 27 28

DRINKER BIDDLE & REATH LLP 50 Fremont Street, 20th Floor San Francisco, CA 94105

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

2

4

5

7 8

9

10 11

12

13 14

15

16

17

18

19 20

2122

23

24

2526

27

28

Oranker Biddle & Reath LLP 10 Fremont Street, 20th Floor San Francisco, CA 94105

THIRTY-SEVENTH AFFIRMATIVE DEFENSE

(Requirements Under Residential Service Agreement)

Plaintiff's claims for damages are barred, in whole or in part, by the terms of Comcast's Residential Service Agreement.

THIRTY-EIGHTH AFFIRMATIVE DEFENSE

(Requirements Under Acceptable Use Policy)

Plaintiff's claims for damages are barred, in whole or in part, by the terms of Comcast's Acceptable Use Policy.

THIRTY-NINTH AFFIRMATIVE DEFENSE

(Failure to Plead With Certainty and Particularity)

The allegations of the Complaint, and each purported cause of action alleged in the Complaint, are not pleaded with sufficient particularity, are uncertain, vague, ambiguous and unintelligible, and fail to meet applicable pleading requirements.

FORTIETH AFFIRMATIVE DEFENSE

(Conduct Not Unfair)

Plaintiff's claims that Comcast violated the "unfair prong" of Cal. Bus. & Prof. Code Sections 17200, et seq. fail because the utility of Comcast's conduct outweighs any harm allegedly suffered by Plaintiff.

FORTY-FIRST AFFIRMATIVE DEFENSE

(Reasonably Available Alternative)

Plaintiff's claims that Comcast violated the "unfair prong" of Cal. Bus. & Prof. Code Sections 17200, et seq. fail because Plaintiff had reasonably available alternative sources of supply from which to purchase non-offending products.

FORTY-SECOND AFFIRMATIVE DEFENSE

(Lack of Consumer Confusion)

Plaintiff's claims that Comcast violated the "deceptive and fraudulent prong" of Cal. Bus. & Prof. Code Sections 17200, et seq. fail because Comcast's practices and advertisements were not likely to, and did not in fact, mislead Plaintiff and/or members of the general public or the

FORTY-NINTH AFFIRMATIVE DEFENSE

(Exhaustion)

Plaintiff's claims are barred, in whole or in part, because Plaintiff failed to exhaust his administrative remedies.

FIFTIETH AFFIRMATIVE DEFENSE

(Governmental Compliance)

Plaintiff's claims are barred, in whole or in part, based on Comcast's compliance with governmental regulations and/or requirements.

FIFTY-FIRST AFFIRMATIVE DEFENSE

(CLRA Procedural Defects)

Plaintiff's claims for alleged violations of the Consumer Legal Remedies Act ("CLRA") are barred, in whole or in part, based on Plaintiff's failure to satisfy the statute's procedural requirements.

FIFTY-SECOND AFFIRMATIVE DEFENSE

(Set Off and/or Recoupment)

To the extent that any of Plaintiff's claims have merit, which Comcast expressly denies, Plaintiff's recovery must be reduced or set off by any restitutionary or other monetary relief to which Comcast is entitled from Plaintiff and/or each putative class member. Comcast is entitled to offset and recoup against any judgment that may be entered for Plaintiff and/or each putative class member for all obligations owing by Plaintiff and/or each putative class member to Comcast, including but not limited to any unpaid account balances and/or any damages incurred in connection with any termination of contracts between Comcast and Plaintiff and/or any member of the putative class.

FIFTY-THIRD AFFIRMATIVE DEFENSE

(Reservation of Rights)

Comcast does not currently have sufficient knowledge or information on which to form a belief as to whether it may have additional, as yet unstated, defenses or counterclaims available.

25

26

27

28

1

2

3

4

5

6

7

8

9

10

11

12

Drawker Bidole & Reath LLP 50 Fremont Street, 20th Floor San Francisco, CA 94105

1 Comcast expressly reserves its right to assert additional affirmative defenses or counterclaims 2 which come to light as the action progresses. In particular, Comcast is informed and believes, 3 and on that basis alleges, that the putative class alleged in the Complaint would, if certified by 4 the Court, include class members who breached their agreements with Comcast and failed to pay 5 amounts due and owing to Comcast under the terms of their agreements. Comcast contends that 6 this matter is not properly certifiable as a class action. In the event that the Court certifies a 7 class, however, Comcast reserves the right to assert counterclaims against such class members. 8 PRAYER FOR RELIEF 9 WHEREFORE, Comcast respectfully prays for judgment as follows:

- That Plaintiff's Complaint be dismissed with prejudice and judgment entered in favor of Comcast;
- 2. That Plaintiff, any member of the putative class and/or the general public take nothing by the Complaint;
- 3. That Comcast be awarded its reasonable attorneys' fees and costs of this action; and; ///

17 /// 18 /// 19 111 20 /// 21 /// 22 /// 23 /// 24 /// 25 /// 26 ///

10

11

12

13

14

15

16

KER BIDDLE & REATH LLP 50 Fremont Street, 20th Floor an Francisco, CA 94105

27

28

///

///

1	4. That Comcast be awarded such other and further relief as the Court deems just		
2	and proper.		
3			
4	Dated: December 4, 2007	DRINKER BIDDLE & REATH LLP	
5		anglish	
6		MICHAEL J. STORTZ	
. 7		Attorney for Defendants COMCAST OF ALAMEDA, INC.;	
8		COMCAST OF CALIFORNIA II, INC.; COMCAST OF CALIFORNIA III, INC.;	
9		COMCAST OF CALIFORNIA IX INC.; COMCAST OF CALIFORNIA V INC.;	
10		COMCAST OF CALIFORNIA VI INC.; COMCAST OF CALIFORNIA X INC.;	
11		COMCAST OF CALIFORNIA XIII INC.; COMCAST CORPORATION: COMCAST	
12		OF FRESNO, INC.; COMCAST OF MARIN I, INC.; COMCAST OF MARIN II, INC.;	
13		COMCAST OF NORTHERN CALIFORNIA I, INC.; COMCAST OF NORTHERN	
14		CALIFORNIA II, INC.; COMCAST OF SACRAMENTO I, LLC; COMCAST OF	
15		SACRAMENTO IÍ, LLĆ; COMCAST OF SAN LEANDRO, INC.; COMCAST OF	
16	Of Council	SIERRA VALLEYS, INC.	
17	Of Counsel Seamus C. Duffer		
18	Seamus C. Duffy Michael W. McTigue Jr. Michael P. Daly		
19	DRINKER BIDDLE & REATH LLP One Logan Square		
20	18th & Cherry Streets Philadelphia Pennsylvania 10103 6006		
21	18th & Cherry Streets Philadelphia, Pennsylvania 19103-6996 Telephone: (215) 988-2700 Facsimile: (215) 988-2757		
22	1 desimile. (213) 700-2737		
23			
24			
25			
26			
27			
28 DRAWER BIDDLE & REATH LLP 50 Fremont Street, 20th Floor San Francisco, CA 94105			

Case 3:07-cv-06350-PJH Document 1-2 Filed 12/14/2007 Page 107 of 110

CERTIFICATE OF SERVICE

3510731101

	·	Don	
1	MICHAEL J. STORTZ (State Bar No. 1393) BETH O. ARNESE (State Bar No. 241186)	DOROJEN L. LEE 86) ALA HEDA COUNTY	
2	DRINKER BIDDLE & REATH LLP 50 Fremont Street, 20th Floor	2007 DEC 14 PM 1: 20	
3	San Francisco, California 94105-2235	CLERK OF THE SUPERIOR COURT	
4	Telephone: (415) 591-7500 Facsimile: (415) 591-7510	<u>ре</u> риту	
5	Attorneys for Defendant		
6	COMCAST OF ALAMEDA, INC.; COMCAST OF CA	LIFORNIA	
7	III, INC.; COMCAST OF CALIFORNIA IX COMCAST OF CALIFORNIA V. INC.; CO	, INC.; MCAST OF	
8	X. INC.: COMCAST OF CALIFORNIA XII	LIFORNIA I INC:	
9	INC.; COMCAST CORPORATION; COMCAST (INC.; COMCAST OF MARIN I. INC.; COM	OF FRESNO, ICAST OF	
-10	MARIN II, INC.; COMCAST OF NORTHE CALIFORNIA I, INC.; COMCAST OF NOR	KN -	
11	CALIFORNIA II, INC.; COMCAST OF SACRAMENTO I, LLC; COMCAST OF		
12	SACRAMENTO II, LLC; COMCAST OF SACRAMENTO II, LLC; COMCAST OF SIERRA	AN VALLEYS.	
13	INC.		
14	SUPERIOR COURT OF THE STATE OF CALIFORNIA		
15	FOR THE COUNT JON HART, On Behalf of Himself and All	Y OF ALAMEDA	
16	Others Similarly Situated, and On Behalf of	CERTIFICATE OF SERVICE	
17	the General Public,	CERTIFICATE OF SERVICE	
18	Plaintiff, v.		
19	COMCAST OF ALAMEDA, INC.;		
20	COMCAST OF CALIFORNIA II, INC.; COMCAST OF CALIFORNIA III, INC.;		
21	COMCAST OF CALIFORNIA IX INC.; COMCAST OF CALIFORNIA V INC.;		
22	COMCAST OF CALIFORNIA VI INC.; COMCAST OF CALIFORNIA X INC.;		
.23	COMCAST OF CALIFORNIA XIII INC.; COMCAST CORPORATION; COMCAST		
24	OF FRESNO, INC.; COMCAST OF MARIN I, INC.; COMCAST OF MARIN		
25	II, INC.; COMCAST OF NORTHERN CALIFORNIA I, INC.; COMCAST OF		
26	NORTHERN CALIFORNIA II, INC.; COMCAST OF SACRAMENTO I, LLC;		
27	COMCAST OF SACRAMENTO II, LLC; COMCAST OF SAN LEANDRO, INC.;		
	COMCAST OF SAN LEANDRO, INC.; COMCAST OF SIERRA VALLEYS, INC.; and DOES 1-250,		
28	and DOED 1-450,		

DRINKER BIDDLE & REATH LLP 50 Fremont Street, 20th Floor San Francisco, CA 94105

CERTIFICATE OF SERVICE

I, CAMELIA SANCHEZ, declare that:

I am at least 18 years of age, and not a party to the above-entitled action. My business address is 50 Fremont Street, 20th Floor, San Francisco, California 94105, Telephone: (415) 591-7500.

On December 14, 2007, I caused to be served the following document(s):

NOTICE OF FILING / NOTICE OF REMOVAL

by enclosing a true copy of (each of) said document(s) in (an) envelope(s), addressed as follows:

- BY MAIL: I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service. I know that the correspondence is deposited with the United States Postal Service on the same day this declaration was executed in the ordinary course of business. I know that the envelope was sealed, and with postage thereon fully prepaid, placed for collection and mailing on this date, following ordinary business practices, in the United States mail at San Francisco, California.
- BY PERSONAL SERVICE: I caused such envelopes to be delivered by a messenger service by hand to the address(es) listed below:
- $\overline{\mathbf{V}}$ BY OVERNIGHT DELIVERY: I enclosed a true copy of said document(s) in a Federal Express envelope, addressed as follows:
- BY FACSIMILE: I caused such documents to be transmitted by facsimile transmission and mail as indicated above.

Mark N. Todzo, Esq.

Eric S. Somers, Esq. LEXINGTON LAW GROUP, LLP

1627 Irving Street

San Francisco, CA 94122

Telephone: (415) 759-4111 Facsimile: (415) 759-4112

21 22

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

23 24

Executed on December 14, 2007 at San Francisco, California.

25

26

27

28

DRINKER BIDDLE & REATH LLP 50 Fremont Street, 20th Floo San Francisco, CA 94105

CERTIFICATE OF SERVICE

CAMELIA SANC